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Dominions
(South Africa)
No. 1.

Correspondence
1913 – 1926

relating to the
question of the transfer of the
territories administered by the
High Commissioner for South Africa

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Mr. G. J. Harding
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C.H.

Dominions
(South African)
No. 1.

CONFIDENTIAL.

CORRESPONDENCE

[1913—1926]

RELATING TO THE

QUESTION OF THE TRANSFER OF THE TERRITORIES ADMINISTERED BY THE HIGH COMMISSIONER FOR SOUTH AFRICA.

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RELATING TO THE

QUESTION OF THE TRANSFER OF THE TERRITORIES ADMINISTERED BY THE HIGH COMMISSIONER FOR SOUTH AFRICA.

October, 1927.

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CORRESPONDENCE

[1913—1926]

RELATING TO THE

QUESTION OF THE TRANSFER OF THE TERRITORIES ADMINISTERED BY THE HIGH COMMISSIONER FOR SOUTH AFRICA.

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No. 1.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Secret.)

MY LORD, Downing Street, 21st February, 1913.

WHEN you were in England last year I discussed with you the position of Swaziland, and I understood from you that the Union Government would probably before long ask that that territory should be transferred to the Union. I think it desirable that I should now set out what would be the attitude of His Majesty's Government towards such a request.

2. Swaziland, which differs greatly both in history and in its present circumstances from the Bechuanaland Protectorate and Basutoland, contains a population of about 100,000 natives, who are not collected, as the Bechuana tribes mainly are, in large fixed reserves. Nor is the whole territory essentially a native territory as is Basutoland, for the Swazis at present live not only on their tribal lands, but also occupy land belonging to white owners, which forms some two-thirds of the whole area of the country, and owing to the promiscuous granting of concessions in the time of the late King Umbandine is scattered throughout the territory. Although a great deal has been done in surveying and demarcating the land of white concessionnaires and the native areas, the process cannot be said to be complete, for under a Proclamation of 1908* no native actually resident on concessionnaires' land is to be compelled to move off for a period of five years from 1st July, 1909, and it seems in itself desirable, and would no doubt be expected by the natives, that the time fixed for the division of the occupation of the country between the white landholders and the natives should have expired before any transfer of government takes place. These considerations must, therefore, defer the transfer until a date subsequent to the 1st of July, 1914.

3. Subject, however, to the above observations, His Majesty's Government are not indisposed to consider an application for transfer.

4. The conditions on which transfer must take place are, as you are aware, governed by Section 151 of the South Africa Act, and the terms embodied in the Schedule. Parliament, when the South Africa Bill was before the House of Commons in 1909, received a pledge† that it would have the fullest opportunity of considering the matter before transfer should take place, but whatever course discussion of a proposal for transfer might take, it is very unlikely that Parliament would be willing to make any alteration in the terms of the Schedule, which was presented to it and accepted by it as embodying certain principles and safeguards to native rights long recognized here as essential.

5. It is possible that in any case the idea of transfer may not be altogether favourably regarded by the natives, and failing the observance of the terms laid down in the South Africa Act, it is hardly to be expected that they would willingly acquiesce in transfer being carried out.

6. Although, however, the conditions on which transfer must take place are determined, there are certain matters on which information will certainly be required before transfer can be sanctioned, especially the names of the Commissioners and the Secretary who are to be appointed under the Schedule, and the salaries to be

* Proclamation No. 70 of 1908, dated 23rd December, 1908. † Hansard Colonial Debates, page 399.

assigned to them. Ministers will no doubt propose to nominate gentlemen whose duties and experience have specially fitted them to deal with a native territory.

7. Whenever the question of transfer is ventilated in public, it is probable that some of the officers in the Swaziland Civil Service will express apprehensions as to their position, similar to those which found expression in the memorandum enclosed in Lord Selborne's Confidential despatch of 3rd May, 1909.* My predecessor replied in a despatch of 18th September, 1909,† pointing out that to go beyond the wording of Section 22 of the Schedule would involve an undue restriction of the powers of the Union, and the considerations advanced in Lord Crewe's despatch and in my Confidential despatch of 5th August, 1911,‡ must be regarded as still holding good. It is, however, of course open to you, if you are of opinion that the existing law is obscure or defective on any point of detail, to legislate before transfer to secure more clearly rights insufficiently affirmed by the existing notices or Proclamations.

8. The financial conditions of the territory do not appear to call for any special remark; the territory is self-supporting with a small debt, and the Union Government, which must necessarily take it over as a going concern, will of course accept full responsibility for all financial obligations existing at the date of transfer.

I have, &c.,
L. HARCOURT.

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No. 2.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 21st April, 1913.)

[*Answered by No.* 3.]

(Bechuanaland Protectorate.)
(Secret.)

SIR, High Commissioner's Office, Cape Town, 2nd April, 1913.

IN the course of a speech delivered at the Annual Meeting of the British South Africa Company in London, on 27th February last, the Chairman, Sir Starr Jameson, made certain remarks respecting the administration and development of the Bechuanaland Protectorate, and in view of the prominence which has thus been given to the question I have the honour to invite an expression of your views as to the future policy to be followed in regard to that Territory.

2. The following is an extract from a newspaper report which I have before me of the speech in question:—

"He did not think there was the least chance of the people of Rhodesia choosing to take the retrograde step of Crown Colony government directly under the ægis of Downing Street. They had only got to look across the border to the Bechuanaland Protectorate to see what Crown Colony government was. As to signs of occupation or development outside the three small blocks granted to the Chartered Company in connexion with their railway, there was none. The Directors of this Company had offered over and over again to carry on the work which they were now doing on those three small blocks throughout the rest of the country, but the answer they received was a *non possumus*. He would ask the shareholders to remember that Protectorate was originally, and was now for that matter, for it never been abrogated, in the sphere of the British South Africa Company, as mentioned in the original Charter, and they were anxious to develop that country which they looked upon as really being part of their inheritance."

3. Reports of the speech were cabled to South Africa, and on 28th February, the Prime Minister of the Union, in the course of a Parliamentary debate on a proposal to introduce a "Squatters' Law" to regulate the occupation of land by natives observed that:—

"If they wished to solve the whole question they should see to it that they had all the natives in South Africa under them. To-day there were various Protectorates which had a different form of government. If they wished to deal properly with this great problem, then he held that this House should agree to approach the

* No. 89 in African (South) No. 927. † No. 168 in African (South) No. 927.
‡ No. 85 in African (South) No. 946.

Imperial Government with a view to allowing all the Protectorates to fall under the Union. That would naturally facilitate the position, because one would then be able to grant self-government to the natives in the larger areas in the same way as was being done in the Transkei to-day."

The Leader of the Opposition, Sir Thomas Smartt, in referring to this statement said:—

"The Prime Minister made a statement of a very serious character—a statement which deserved the very fullest consideration. He did not wish to misinterpret the right honourable gentleman, but he (Sir Thomas) understood that speaking as one who, in the Prime Minister's position, was really responsible to the natives, he said that he (the Prime Minister) considered the time had arrived when they should fully debate the advisability or otherwise of taking over the Protectorates on the Union border, and embodying them in the Union. Well, he (Sir Thomas) thought that before the House began to think of contemplating a policy of that sort, it should give it far more consideration than they could do in an afternoon's debate such as they had had that day."

To this the Prime Minister replied:—"I did not say that. What I said was—before we can have a proper solution."

4. Recent discussions between the Prime Minister and myself regarding the question of the transfer of Swaziland to the Union had left me under the distinct impression that, if they could secure the transfer of this territory within a reasonable period, it was not the intention of the Union Government to raise for the present the question of the transfer of Basutoland or the Bechuanaland Protectorate. I believed indeed that the result of our discussions amounted to a definite understanding on this point. I thought it advisable, however, notwithstanding the explanation given to Sir Thomas Smartt, to address General Botha on the subject and to ascertain precisely what the intentions of the Union Government really were. General Botha's reply was contained in his semi-official letter of 12th March, which I at once forwarded to you privately and of which I now enclose a copy. From that letter you will have learnt that apprehensions have been roused in the Union by Sir Starr Jameson's reference to the Company's claims, and that the Union Government now ask for the transfer of the Bechuanaland Protectorate at an early date or at any rate as soon as possible after the transfer of Swaziland has been settled.

5. I presume that in making this request General Botha and the Union Government are not altogether ignorant of the history of the Company's position in the Protectorate. I have not thought it expedient to discuss the matter with them, and in fact up to the present there has been no occasion for doing so. What they probably do not know, and what may perhaps come as an unwelcome revelation to them, is that a measure of recognition has been accorded to the Company's claims by the Imperial Government. The position is summed up in the following words, which I quote from paragraph 12 of your Confidential despatch of 30th December, 1911,* dealing with the draft Mining Proclamation for the Protectorate:—

". . . outside the areas covered by existing concessions, all the Government is compelled to do is to give the Company an option of taking up any grant of land or mining rights which it proposes to make. It is under no obligation to make such grants since the chiefs were under no obligation to grant concessions."

The statement, however, that the Government is under no obligation to make such grants, appears to be qualified by the intimation made to the Company from time to time and finally stated in the Colonial Office letter to them dated 31st March, 1911,† that, while they could not be granted full title to all the unoccupied lands, the Secretary of State would be prepared to consider the cession to them of portions of those lands on receiving from them detailed and specific proposals for the development of such portions.

6. From the point of view of the Company's interests, Sir Starr Jameson's utterance was perhaps not altogether judicious. It may force the hand of the Imperial Government and hasten a settlement of the Company's claims, but by bringing the Union Government into the field it has certainly increased the difficulty of according the Company a more liberal treatment, either in the matter of land or in the matter of mineral rights, than that contemplated in the despatch quoted. Up to the present it has only been necessary to bear in mind the interest of the Union Government as the prospective successor to the administration of the Protectorate.

* No. 107 in African (South) No. 969. † No. 45 in African (South) No. 969.

Now their interest has become an immediate one. Neither they, nor indeed the majority of the public in the Union, are likely to acquiesce readily in any wholesale concessions to the British South Africa Company on the strength of events and correspondence which took place fifteen or twenty years ago.

7. In my despatch No. 293 of 8th May, 1912,* I suggested that the Company might be given the option for a stated period of acquiring an area, to be indicated by them on the map, on conditions to be agreed upon. That suggestion, which was made in connexion with a scheme of development put forward by the Company, does not appear to have met with your approval at the time. The final reply to the Company conveyed in the Colonial Office letter of 21st June, 1912,† was that, after consulting the High Commissioner and the Resident Commissioner, you felt that their proposals did not form a sufficient basis for considering a cession of land to them. Whether the Company inferred from this reply that I had advised the unqualified rejection of their proposals, I am unable to say, but I certainly did not intend to do so, and I still think that my suggestion affords a practicable means of arriving at a settlement of their claims in respect of land. The question of their preferential rights in respect of minerals would be settled by the issue of the Mining Proclamation of which the revised draft is forwarded to you in my despatch Confidential (3) of to-day's date.‡

8. In whatever manner the question of the Company's claims may be settled, it seems desirable that it should be settled soon and, if not with the approval of the Union Government, at any rate with their cognizance. Until it is settled, it is difficult to see how transfer could be allowed, without injustice to the Company, even if there were no other grounds for delay. The Union Government should, I think, be informed precisely what the Company's claims in the Protectorate are and how it is proposed to meet them. They evidently assume that in taking over the Protectorate they will acquire as a matter of course the unencumbered ownership of all lands and mineral rights not disposed of at the date of Union. What in fact is provided for by Section 151 of the South Africa Act, 1909, is the transfer of the administration, and while this would naturally be accompanied by the transfer of the ownership of land and mineral rights which might still be unalienated at the time of transfer, I do not think it was intended that the Imperial Government should be fettered in the disposal of these rights in the interval, provided that in the disposal of them due regard was paid to administrative exigencies of the future. Nor do I consider that the Union Government would have reasonable ground for complaint if the Imperial Government intimated their intention, before allowing transfer, of ceding an area to the Company in settlement of their claims to land and of dealing with minerals in the manner proposed in the draft Mining Proclamation.

9. Whether or not it is decided to proceed at once with the settlement of the Company's claims, it will be difficult, in view of the public interest which has been aroused, for the Protectorate Administration to justify a continuance of the present policy of inactivity in regard to the unoccupied portions of the territory. There may have been very good reasons in the past for this policy and for the disinclination of the Secretary of State to approve of the various suggestions for the disposal of land which have been made from time to time by the High Commissioner. There has been first of all the question of finance. Apart from this there has always been the doubt whether any good could result from attempting to settle areas which are so lacking in surface water and, according to such reports as have been furnished, appear for the most part to be only suitable for sporadic occupation by Europeans. But the advance of science and agricultural experience in South Africa generally during the last few years shows how little reliance can be placed even on comparatively recent reports of experts with regard to irrigation, farming and forestry. It is now recognized that there are immense possibilities of developing areas hitherto looked upon as waste lands through modern methods of well sinking, windmill and other forms of pumps, the preservation of water now running to waste by large and small dams, and by what is called the dry farming system. In my opinion the available reports on the Bechuanaland Protectorate up to date cannot be relied upon now as authoritative. The Protectorate has never been scientifically surveyed. I am convinced, on such information as I have been able to get, that it offers a great field for stock rearing and farming. A large area north of the Molopo River has the characteristics of the land lying to the south of the River. The Union Government is now engaged in testing that land and its water supply. It will be interesting to note the results.

* No. 18 in African (South) No. 989. † No. 21 in African (South) No. 989.
‡ No. 6 in African (South) No. 1003.

10. The only Crown Land area of which we have any useful knowledge is the Ghanzi district where, in fulfilment of an undertaking given by Mr. Rhodes, about forty farms of 5,000 morgen were marked out in 1898 for allotment to Dutch settlers. Four hundred miles away from the railway, of the bijwoner class, without capital or any special farming capacities, these men were at a great disadvantage. Some disappeared, and their farms reverted to the Crown; others went bankrupt and their lands were taken over by Ngami traders. But about 12 have survived and I am told some of them are doing fairly well. I am told that these farms are very roughly delimited and there are no beacons. We have in fact no adequate or satisfactory information as regards the experience of the settlers, water supply, character of the soil and the grazing capacities of the farms.

11. This state of things is not creditable to the Protectorate Administration, and for this reason I urge the suggestion which I have already made semi-officially,* that steps should at once be taken to get a detailed report by competent persons. This report seemed to me all the more necessary because there appear to be some thousands of square miles which as regards grazing and water supply have much the same characteristics as the district allotted to the Rhodes settlers. There may be strong arguments against embarking in development schemes which might involve considerable expenditure and raise inconvenient controversies. But I did not and do not consider that the Protectorate Administration has the knowledge and information regarding its resources which an efficient Administration ought to possess. If the Imperial Government do not wish and cannot afford to develop the country, they may at least pave the way to ultimate development by obtaining information for the use of their successors. Further, if a settlement of the British South Africa Company's claims is contemplated, it is most desirable that the Administration should have accurate data supplied by agricultural experts upon which the authorities concerned may be enabled to base their judgments as regards great areas at present imperfectly examined or not examined at all.

I have, &c.,
GLADSTONE,
High Commissioner.

Enclosure in No. 2.

MY DEAR LORD GLADSTONE, 12th March, 1913.

I BEG to offer you my sincere apologies at not having replied earlier to your letter of the 3rd instant, but I have been so occupied with other matters, that it was difficult indeed to give my attention to this question.

You have correctly understood the meaning of my recent statement in the Assembly in connexion with the Protectorates. As you say, I was speaking on the general question of Native Policy and not on that of the eventual incorporation of the Protectorates, and all that I intended to convey was that the proposals which I contemplated submitting to Parliament, would only be in the nature of a first step and were not to be looked upon in any way as an attempt at a final solution of the problem, and that I did not think it would be practicable for the Government to grapple with the whole problem until such time as all the Protectorates would be incorporated into the Union.

At the same time I must confess that I rather welcomed the opportunity of making some reference to the ultimate incorporation of the Protectorates in view of Sir Starr Jameson's statement in London, on the 27th ultimo, at the Annual Meeting of the Chartered Company, in connexion with the development of Bechuanaland.

We were considerably surprised to hear of the representations which have evidently been made from time to time by the Chartered Company in respect to Bechuanaland.

It is not clear whether Sir Starr had in view the political incorporation of Bechuanaland into Rhodesia, or merely a certain measure of economical development by the Chartered Company of this Protectorate, but in either case this is an ambition which the Government of the Union could not agree to encourage at all.

There is, of course, no question that it was contemplated at the time of Union that all the Protectorates, sooner or later, would be transferred to the Union, and I

* 40095/1912: not printed.

think it should be made clear to the Chartered Company that the Union Government would offer strenuous opposition to any such transfer of Bechuanaland, or of the development of that Protectorate by the Chartered Company.

The representations in regard to Bechuanaland which the Chartered Company have already made, and according to Sir Starr, intend to renew at some future date, have caused suspicion in the Union as to the destination of that Protectorate, and in view thereof, I feel that we must modify our attitude as conveyed to you in former correspondence and conversations.

I consider that we must now press for the transfer, at the earliest possible date, of Swaziland and at the same time of Bechuanaland.

Should the simultaneous transfer of both these Protectorates not be feasible in the opinion of the Imperial Government, then we urge that Bechuanaland also be transferred as soon as possible after the incorporation of Swaziland has been settled.

In regard to Basutoland the position remains unchanged.

Believe me,

Yours very sincerely,

LOUIS BOTHA.

His Excellency the Right Honourable
Viscount Gladstone, G.C.M.G.,
&c., &c., &c.,
Cape Town.

13330

No. 3.

SOUTH AFRICA.

THE SECRETARY OF STATE to THE HIGH COMMISSIONER.

[*Answered by No.* 4.]

(Secret.)

MY LORD, Downing Street, 2nd May, 1913.

I HAVE the honour to acknowledge the receipt of your Secret despatch of 2nd ultimo* on the subject of the future of the Bechuanaland Protectorate.

2. I request that you will take an early opportunity of explaining to General Botha that His Majesty's Government could not in present circumstances regard favourably a request for a transfer of the administration of the Protectorate. He will, I trust, recognize that alike in history and in actual conditions the Protectorate differs greatly from Swaziland, and that it would be impossible in the near future to justify to Parliament a proposal for transferring the Protectorate.

3. You are, however, at liberty to assure him that His Majesty's Government have no intention whatever of handing over the administration to the British South Africa Company, whose rights in the Protectorate are not administrative but commercial or industrial. These rights include of course the various mineral and land concessions duly recognized, and also the preferential right of acquiring further concessions for the purpose of specific development which is dealt with in the correspondence which has recently passed between the British South Africa Company and the Colonial Office, of which I enclose a copy in my despatch No. 127 of the 2nd instant.† You should communicate this correspondence informally to your Prime Minister.

4. General Botha will no doubt realize that although the Company's rights may restrict to a large extent the power of the Administration to deal with the land and minerals of the Protectorate it is not possible for His Majesty's Government, in face of previous admissions based on the highest legal authority, to disregard them.

5. I gather from your despatch under acknowledgment that you do not entirely apprehend the position of His Majesty's Government in regard to the Protectorate. His Majesty's Government are under no obligation, legal or moral, to develop the Protectorate for white settlement. There is no reason to suppose that such development would benefit the natives, whose welfare has been, and must be, the principal concern of His Majesty's Government in Bechuanaland, while any successful policy of development would almost certainly precipitate a demand for

* No. 2. † 11975/1913: L.F.; it enclosed copies of Nos. 5 and 7 in African (South) No. 1003

transfer to the Union Government. Such a demand would in present circumstances be extremely embarrassing to His Majesty's Government. All existing indications point to strong opposition on the part of the Bechuanaland tribes and in face of their opposition (particularly that of Khama, with whom Mr. Chamberlain's settlement was made personally in 1895, and who has long been looked on in this country as the highest type of native chief), it would be quite impossible for His Majesty's Government to justify the transfer to the House of Commons, to which they have pledged themselves in the debate* on the South Africa Act, that it will have the opportunity of considering the matter before the transfer.

6. Any development, whether successful or unsuccessful, will involve expenditure, and His Majesty's Government could not ask Parliament to increase the heavy contributions which have been made to the administration of the Protectorate, for purposes the benefits of which could not accrue either to the natives or to the taxpayers of this country. The British South Africa Company would no doubt be willing to find money, but His Majesty's Government have no desire to strengthen the Company's position in the Protectorate, and any policy which produced that result would obviously be distasteful to the Union.

7. In this connexion I may observe that I cannot agree in your view that it is desirable that the Company's claims should be settled soon. If there was a strong demand for land for settlement or for mineral development in the Protectorate, it might be of advantage to the Administration to be freed from the preferential right of the Company, but I am not aware of any such demand and it must not be forgotten that the existence of the encumbrance is calculated to diminish the pressure for an early transfer of the administration to which His Majesty's Government have as already stated very strong objections.

8. I shall await with interest your report on the development proceeding south of the Molopo. Should it prove, when carried out, an unqualified success, it may be necessary to reconsider the question of development as far as the northern bank is concerned, but His Majesty's Government would reopen the question with considerable reluctance.

I have, &c.,

L. HARCOURT.

28556

No. 4.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 18th August, 1913.)

[*Answered by No.* 5.]

(Bechuanaland Protectorate.)
(Secret.)

SIR, High Commissioner's Office, Pretoria, 28th July, 1913.

I HAVE the honour to acknowledge the receipt of your Secret despatch of 2nd May† on the subject of the future of the Bechuanaland Protectorate and to inform you that I have communicated to General Botha the substance of paragraphs 2, 3 and 4, and at the same time furnished him with a copy of the correspondence enclosed in your despatch No. 127 of the same date.‡

2. With reference to the fifth paragraph of your despatch, my object in addressing you was to state my own views in regard to the Protectorate and to elicit an expression of yours. In reply you have given me a clear statement of your views, for which I am obliged and which leaves me in no doubt as to the policy which His Majesty's Government desire to be followed. At the same time I trust that I may be pardoned if I still adhere to my views on certain points. It is perhaps a case of difference of opinion rather than of misapprehension on my part.

3. I still consider that the claims of the British South Africa Company in the Protectorate should be settled soon. The view stated by you in paragraph 7 is that the existence of the encumbrance constituted by these claims is calculated to diminish the pressure for early transfer. I hold, on the contrary, that the uncer-

* Hansard Colonial Debates, page 399. † No. 3. ‡ 11975/1913: L.F.; it enclosed copies of Nos. 5 and 7 in African (South) No. 1003.

tainty regarding the intentions of His Majesty's Government towards the Company, and the fear that with delay the Company's prospects of favourable treatment may be improved, are more likely to increase the anxiety of the Union Government to obtain possession than the knowledge that a definite limit had been placed upon the Company's further acquisitions in the Protectorate.

4. In the same paragraph you state that you are not aware of any strong demand for land for settlement or for mineral development in the Protectorate. As far as mineral development is concerned, I agree. Land for settlement, however, is wanted, and it is wanted by the Union Government. One of the first results of the passing of the Native Lands Act will be to direct attention to unoccupied lands which are available as reserves for the settlement of Natives. The Bechuanaland Protectorate is, of course, outside the scope of the Act, but it will be impossible for the Commission which is to be appointed under the Act to disregard altogether the existence of vast unoccupied areas in the Protectorate of which sooner or later the Union Government expects to have the control. Portions of these areas are eminently suitable for native settlement. The Union Government may not require them immediately, but I think that they might reasonably expect some assurance as to the position and extent of the unoccupied areas which will eventually be at their disposal. While the claims of the British South Africa Company remain unsettled, no definite assurance can be given.

5. It would not be impossible, in my opinion, to devise an arrangement which —without interfering with the native reserves or with the existing administration of them—would give the British South Africa Company in settlement of their claims the same rights over the Northern portions of the unoccupied lands as they have over the areas on the Eastern border and leave the Southern portions unencumbered and at the free disposal of the Imperial Government. There would not even be any serious objection, as far as I can see, to the transfer of the Southern portions to the Union Government. The native tribes would be left under Imperial administration just as they would have been in 1895 if the arrangement with the British South Africa Company then contemplated had been proceeded with. And the cost of administration would be materially reduced.

6. It will be understood, I hope, that in reverting to this subject I desire, not to make difficulties, but to suggest some means of avoiding the awkward situation which would arise if the Union Government pressed for the early transfer of the Protectorate. General Botha, I am sure, is most unwilling to embarrass His Majesty's Government, but circumstances may compel him to press the question and, unless the reply is more satisfactory from the point of view of the Union Government than the one which has now been communicated to him, I do not hesitate to say that an exceedingly awkward situation will be created. Notwithstanding the excellent relations with the Colonial authorities which have existed since Union, the administration of the Protectorates has not been free from difficulty. The elements of friction, especially in the case of Bechuanaland, are plentiful. At any moment some border incident might occur which would afford the Union Government an opportunity, if they wanted one, of raising serious issues. In short, the task of controlling with a handful of police a scattered population of one hundred thousand natives, whose feelings towards the Union are at the best of times the reverse of friendly, is only possible so long as the Administration can rely upon the goodwill and co-operation of the Union Government.

I have, &c.,
GLADSTONE,
High Commissioner.

28556

No. 5.

SOUTH AFRICA.

THE SECRETARY OF STATE to THE HIGH COMMISSIONER.

(Bechuanaland Protectorate.)
(Secret.)

MY LORD, Downing Street, 5th September, 1913.

I HAVE the honour to acknowledge the receipt of your Secret despatch of the 28th July,* on the subject of the future of the Bechuanaland Protectorate, and the

*No. 4.

question of an early settlement of the claims of the British South Africa Company. I have given careful consideration to your views, but I still adhere to the opinion expressed in my Secret despatch of the 2nd May,* and the policy of His Majesty's Government must in my opinion remain governed by the considerations set out therein, especially those contained in paragraph 5.

I have, &c.,
L. HARCOURT.

47514

No. 6.

GENERAL BOTHA to LORD MILNER.

DEAR LORD MILNER, Savoy Hotel, London, W.C.2, 2nd July, 1919.

REFERRING to our conversation of yesterday, I have pleasure in enclosing a copy of a statement in connexion with Swaziland. Smuts is remaining in London for a few days longer, and I would be glad if you would have this matter settled before he leaves.

Yours faithfully,
LOUIS BOTHA.

Enclosure in No. 6.

SWAZILAND.

ACCORDING to the Schedule to the South Africa Act the native territories of Basutoland, Swaziland, and Bechuanaland can at any time be taken over by the Union Government after arrangement with the Imperial Government. In that case special provisions are laid down for the future administration of the territories by the Union Government. Although the Schedule has been in force for nine years, no action in regard to the transfer of the territories has been taken, because from 1910 to 1914 the Union Government were fully occupied with the elaboration of the new Union Administration, and since then the War has engrossed all attention. The end of the War finds the position of the Union immensely stronger than before, and a great extension of its area and work through the mandate over South West Africa about to be conferred on it by the Great Powers. The question now arises whether the time has not come for the review of the situation as regards the native territories.

Although Basutoland will have to be taken over by the Union sooner or later, there does not appear to be any special urgency for the change at present. Indeed there are some reasons to the contrary. But the transfer of Basutoland will have to be kept steadily in view, as a very awkward situation would arise in the event of any future trouble between Basutoland and the Union in case it should then still be under Imperial Administration.

With regard to Bechuanaland, there is no special urgency for the transfer at present. But as soon as the inclusion of Rhodesia in the Union becomes a practical question, the transfer of Bechuanaland will have to be dealt with also.

There remains Swaziland, whose case is quite unlike the other two. Before the Boer War it was administered by the Transvaal Government. Since the Boer War the territory has been definitely partitioned between the whites and the natives. It is, therefore, not like Basutoland and Bechuanaland, an exclusively native territory. It contains a fair white population, consisting mostly of old Transvaal residents. The Swazis are physically of an inferior type, and will, more than most other native tribes, continue to lean on the whites. There is no reason whatever why the transfer of this territory to the Union should not be immediately effected.

And there are very good reasons for such an immediate transfer. In the first place, it would enable the Union Government to put into practice the Schedule system of administration, and thereby gain valuable experience to guide it in the eventual administration of the other territories when they come to be handed over to the Union. It would be an experiment on a small scale with a native population already living among whites and well affected towards them, and therefore likely to be fruitful of suggestion for the future.

* No. 3.

It would also enable the Union Government to make better provision for the political representation of the resident white population, who are now in a somewhat anomalous position.

And lastly, it would enable the Union Government to spend money on the development of the territory, which is very badly wanted, both in its own interest and in that of the Union. Especially is it necessary to build a railway line from the Transvaal High Veld through Swaziland, in order to open up the coal resources of the Transvaal and Swaziland and to provide additional communication with the coast. But the Union Government would not move in this matter, however useful and urgent it may be, while Swaziland is still an administration independent of it.

The time has, therefore, come when the Imperial Government should begin to give effect to the Schedule and transfer the administration of Swaziland to the Union. The Union Government press very strongly for the transfer, as it is their intention to provide full political and parliamentary rights and privileges for the European inhabitants of Swaziland, as a separate district on the same footing as all the other districts of the Transvaal.

June, 1919.

43018

No. 7.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 1.47 p.m., 22nd July, 1919.)

TELEGRAM.

[*Answered by No.* 8.]

(Paraphrase.)

21ST JULY. Secret. Malan showed me on 18th July a delayed telegram just received, sent by General Botha before he sailed. Botha asked for my support with reference to incorporation of Swaziland, as to which he said he was in negotiation. Malan said that Botha wanted, he thought, to carry through incorporation at the October Peace Session. I urged delay and told Malan I should greatly deprecate any endeavour to force this matter without proper opportunity for representations on the part of the Swazis, and for consideration. I leave to-day for Rhodesia. Before he sailed I asked Botha by telegraph whether there was any reason for again postponing my visit in order that we might meet. He replied in the negative. I shall not see him for some weeks, but I have sent Malan and him short private unofficial memorandum. Its gist is, shortly, as follows:—

Begins: I recognized that it would be difficult for His Majesty's Government to refuse whenever Union Government requested incorporation of Swaziland, though the terms of such incorporation and moment at which it should take place must necessarily be matters for consideration and discussion. Imperial Parliament in conformity with pledge given in 1909 must be afforded full opportunity of considering matter before transfer actually took place. Incorporation I agreed had to come and probably before long, but expressed surprise that I should not have been approached in the first instance, the probable explanation being that Botha was in England.

I proceeded that moment was not, in my opinion, expedient for raising question. Further, that such question should not be decided and announced without giving adequate opportunity to white settlers and to natives to state their case, and adequate time to explain reason for incorporation to the natives. Swazis were at present strongly opposed to incorporation, and looked with grave misgivings upon such a future, see my despatch of 16th June, No. 422,* though I thought these apprehensions might be modified or overcome if time given to prepare the Swazis and to explain to them the security provided under Schedule for their lands and liberty.

* 40002/1919: not printed.

It appeared to me to put His Majesty's Government in a false position and open to the charge of bad faith if it was suddenly announced without preliminary pourparlers with natives that His Majesty's Government had agreed with the Government of Union South Africa for incorporation of territory. This would be unfair to natives. Also better for future relations between Union and natives that imminence of incorporation should be broken to them gradually.

It was true that Swazis were told by Lord Selborne in 1909 that they would at some time come under Union, but it had, I thought, always been contemplated that if and when question arose they would be given an opportunity of stating their case. When visiting Swaziland in September, 1917 (see my despatch of 5th December, 1917, No. 786*), I had told the Swazi Chiefs and the Chief Regent that when question of incorporation was raised afresh they would have due notice of any proposals and that they would have full opportunity of expressing their views.

I added in conclusion that, apart from the question as particularly affecting the Swazis, moment was not, in my opinion, propitious to carry out incorporation of a native territory. Much unrest among natives in Union which had extended to Protectorates special feeling of suspicion and alarm in regard to Native Land Bill. I felt certain that if just now a native territory were transferred from direct control of Crown to Union this alarm and unrest would be greatly accentuated. Nationalist agitation for independence had also greatly alarmed natives as foreshadowing withdrawal of Imperial protection altogether. In Basutoland the other day I had found strong feeling on above lines. Feared that trouble would ensue in Swaziland itself and that effect on natives would be bad in Basutoland and elsewhere. As well as being most unfortunate from the point of view of the prestige of the Union it would be very embarrassing to His Majesty's Government if incorporation were followed immediately by native unrest in Swaziland itself or elsewhere. *Ends.*

The ingrained suspicion and fear of a Dutch Government among natives in the Protectorates, as well as the Union, is the fundamental difficulty, but this, of course, could not be stated in the memorandum.—BUXTON.

43018

No. 8.

SOUTH AFRICA.

THE SECRETARY OF STATE to THE HIGH COMMISSIONER.

(Sent 12.20 p.m. 21st August, 1919.)

TELEGRAM.

[*Answered by No.* 9.]

(Paraphrase.)
(Secret.)

WITH reference to your Secret telegram of 21st July† regarding Swaziland, both Smuts and Botha spoke to me several times before their departure on this subject. They are very keen about incorporation. I have been trying to send you a despatch on the subject but have been prevented by fearful pressure of general public business during past month. I fully realize strength of your objections which no doubt will weigh with Ministers. Meanwhile, I should like to put before you some considerations on the other side.

I was always opposed personally to exceptional treatment of Swaziland, which in my judgment is wholly unlike Basutoland. Basutoland I hope may remain autonomous native state always. In Swaziland external conditions and native capacity far less favourable for self-government. White settlement is important and is bound to grow, and country is inseparable economically from adjoining districts of Transvaal. Assuming, as I do, that ultimately scheduled territories will come under Union by far the best to begin with is Swaziland. Botha tells me

* 3598/1918: not printed. † No. 7.

he has no intention at present of asking for transfer of Basutoland or Bechuanaland and I think he understands perfectly that unless Union Government can make a success of handling of native question in Swaziland, the transfer even of Bechuanaland to Union will be deferred indefinitely. His own ideas as to treatment of natives, in which I believe he is sincere, seem to me liberal and quite on right lines. Of course you will have to satisfy yourself that he is likely to be able to carry them out. If he is, the present is, I believe, as good an opportunity as we are likely ever to have for making a start with transference of native territories under really good conditions.

While these are my views in general I quite agree with you that, even if transfer is decided on, every care must be taken not to proceed in a manner so precipitate as to alarm the natives.—MILNER.

53446

No. 9.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 9.55 a.m., 15th September, 1919.)

TELEGRAM.

(Paraphrase.)

13TH SEPTEMBER. Secret. Swaziland. I was obliged for your telegram of 22nd August,* and do not dissent from your views in any way. My only desire was that question of incorporation should not be sprung upon the Swazis suddenly but that opportunity to allow them to digest the idea before incorporation was carried out should be given and that there could be no grounds for any allegation of breach of faith which if believed would have a bad effect in Basutoland and elsewhere as well as in Swaziland. I have now talked the matter over with General Smuts but I had no opportunity of discussing it with General Botha. In present circumstances, as he has too many stiles to get over, General Smuts does not propose to raise the question immediately. Before he raises the question officially he has promised to give me notice. In a letter which I have received from the leading settler Miller, he expresses view that European population, including Dutch, much opposed to incorporation.—BUXTON.

61261

No. 10.

PETITION TO THE SECRETARY OF STATE HANDED IN BY THE BASUTOLAND DEPUTATION ON 24TH OCTOBER, 1919.

[*Answered by No.* 13.]

To THE RIGHT HONOURABLE VISCOUNT MILNER OF CAPE TOWN AND ST. JAMES, HIS MAJESTY'S MINISTER FOR THE COLONIES AND PROTECTORATES BEYOND THE SEAS.

THIS PETITION of the Basuto people, conveyed by and signed by Griffith, Paramount Chief of Basutoland, on their behalf, sheweth that:—

1. SINCE the beginning of Great Britain's rule in South Africa, her administration has inspired in the hearts of the Basuto people confidence and trust.

2. During the whole of this period the Colonial and Republican Administrations have suffered by marked contrast, and my people and predecessors have been ready to die rather than fall under their rule.

3. Since 1910, the settled Native Policy of the Union of South Africa has appeared to the Basuto people, and I, their Paramount Chief, believe it most firmly to be a veritable compromise between the policy of the late Cape Colony and the policies of the late Republics.

4. This means that the administrations of the Union of South Africa, apart from the fact that the Union Jack flies as its symbol, inspires us with even less confidence than that of the late Cape Colony.

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* No. 8.

5. We have been and always will be proud to be an integral part of the British Empire, and at no time more than now when by the blessing of the Almighty God the battle for justice has been decided in favour of those who have always stood for liberty. We are ready, as always, to obey the mandates of our King and His most upright Government, and such obedience will be our pleasure and our pride.

6. Secure in the knowledge of all that Britain means to subject races, we look forward to the future with unabated confidence.

7. None the less we acknowledge the kinship of our brethren in the Union of South Africa, and we see and hear their deep distress.

8. The discontent outside our borders serves to strengthen our loyalty to our great Imperial protectors, and we keep faithful watch within our land as in the past.

9. We know as of old our fathers told us when, of our own free will, we came under the folds of the British flag that never would that allegiance abrogate our rights or do aught but secure our liberties.

10. But we also know that there are those who, filled with principles that are not British, look upon our land and find it very fair.

11. Therefore, we humbly call the attention of your Lordship to certain indications of intentions coming direct and personally to the fountain head of all freedom, because we know that Justice is untainted at its source.

12. First, we refer to the Act of Union of South Africa, in Section 151 thereof it is laid down that by addresses of the House of Parliament both at Westminster and Cape Town we may be transferred to the Union of South Africa and incorporated therein.

13. We beg to thank the Imperial Government for the safeguards contained in the Schedule to the Act of Union, more especially to paragraph 14, which purports to secure our land for ever.

But one point has been forgotten.

14. We know the greatness of Britain and her goodness, and we know that never would she ever break the backs of an obedient people, nor would she do other than foster the dawning civilization of a subject race.

15. But our friends may pass away, as there arose in Egypt a race that knew not Joseph, and nowhere is it said that we and ours may read it, that never never will the Imperial Parliament pass such an address without the free willed consent of the Basuto people.

16. We know the glorious value of England's word; we ask that what is implied in the essential character of the Imperial Administration of Great Britain should be expressed to us that for all time we may know content and security.

17. Like the small nations of Europe and like the loyal people in Ireland, we are not willingly to be given to an alien race save only to the race whose liberty and justice we know, and knowing revere:

18. The day may come when we will wish to be united to the Union. It will come when the sobs of the Natives in the Union have been stilled for a generation.

19. But as yet we hear them crying. We have read the 1913 Land Act of the Union, and we have watched that Act in operation.

20. Many Native victims of that Act have crowded into Basutoland in the six years since 1913, and the iron has entered into the souls of the Natives in the Free State.

21. Those who say the contrary are false or ignorant, either the one or the other by set purpose or mischance. We see the people, we receive them, we hear their cries, and try to dry their tears.

22. And every person received in Basutoland shows us how we can lose our land by overcrowding, even despite paragraph 14 of the Schedule, and makes us doubt the value of that bare security.

23. We have also read the Union Native Administration Bill of 1917. Had we not known that the War has been fought and won for the rights of small nationalities we might then well have despaired.

24. That Bill passed its Second Reading in the Union Parliament by the votes of the Dutch alone, against the votes of the English alone, and we append the list of names.

25. We fear that those who voted for that Bill are the enemies of the Natives. We have read the speech of General Smuts, delivered on 22nd May, 1917, at the Savoy Hotel, London, when he posed the Union of South Africa as the friend of liberty; either he knew not what he said or he blasphemed against liberty. And he explained overmuch.

26. We have read the Report and Proceedings of the Select Committee on Native Affairs upon the Native Administration Bill of 1917 (fourth report of 1917), and we have seen the division lists therein. We know that the opposition encountered from English South Africans has hung up the passage of the Bill indefinitely, but it is clear that it represents the policy of the Union of South Africa.

27. Struck with the similarity of the Sections in Chapter 11 of the Bill to those in the Schedule of the Act of Union we have made careful inquiries.

28. We know now that General Botha, the then Prime Minister of the Union, and Minister for Native Affairs, stated that the clauses establishing a commission were intended to pave the way into the Union for Basutoland and Bechuanaland, and it is the fact that we are thus affected by this legislation that permits our commenting on legislation in a neighbouring administration.

These facts having been stated we summarize them thus, and say that—

Because 1. The Union is at present anti-Native.

Because 2. The existing Union Government is anti-Native.

Because 3. The existing Union Government is based upon a Dutch majority control on Native matters.

Because 4. The Dutch people of South Africa show no change of heart towards the Native races of South Africa.

We protest utterly, once and for all, against any proposal to place us under any control or Government other than that of the Imperial Parliament of Great Britain and the King, our King and his heirs and successors, according to Law.

AYES—64.

1.	Bailey, Abe	E.
2.	Bezuindenhout, Willem, Wouter Jacobus Johannes	D.
3.	Botha, Louis	D.
4.	Cilliers, Petrus Stephanus	D.
5.	Classen, Gert Marthinus	D.
6.	Coetzee, Jan Paul	D.
7.	Collins, William Richard	D.
8.	Conroy, Andrew Meintjes	D.
9.	De Beer, Zacharias Johannes	D.
10.	De Jager, Andries Louvens	D.
11.	De Waal, Jan. Hendrik Hofmeyr	D.
12.	De Wet, Nicholaas Jacobus	D.
13.	Du Toit, Jan Gabriel	D.
14.	Enslin, Johan Martin	D.
15.	Fitchardt, Charles Gustav	D.
16.	Fitchardt, Everard Walter	D.
17.	Garcia, Arthur Henry	E.
18.	Geldenhuys, Lourens	D.
19.	Graaf, David Pieter de Villiers	D.
20.	Graumann, Harry	D.
21.	Grobler, Hendrik Stephanus	D.
22.	Grobler, Johannes Hermanus	D.
23.	Hamman, Jacob Ketterstedt	D.
24.	Havenga, Nicholas Christiaan	D.
25.	Heatlie, Charles Beeton	D.
26.	Hertzog, James Barry Munnik	D.
27.	Hugo, Daniel	D.
28.	Joubert, Jan Abraham	D.
29.	Keyter, Jan Gerhard	D.
30.	Kolbe, George Augustus	D.
31.	Lemmer, Lodewyk Arnoldus Stabbert	D.
32.	Louw, George Albertyn	D.
33.	Louw, Willem Petrus	D.
34.	Malan, Charl Wynand	D.
35.	Malan, Francois Stephanus	D.
36.	Malan, Marthinus Lourens	D.
37.	Mentz, Hendrik	D.

38.	Myburgh, Marthinus Wilhelmus	D.
39.	Neser, Johannes Adrian	D.
40.	Papenfus, Herbert Boshof	D.
41.	Pretorius, Nicholaas Jacobus	D.
42.	Rheeder, Frederick Jacob	D.
43.	Roos, Tielman Johannes de Villiers	D.
44.	Schurink, Jan Ludorf	D.
45.	Schweizer, Constantine Alexander	D.
46.	Serfontein, Hendrik Philippus	D.
47.	Steyn, Johannes Wilhelmus Gysbert	D.
48.	Stockenström, Andries	D.
49.	Van der Horst, Evert Jean Jacques	D.
50.	Van der Walt, Jacobus	D.
51.	Van Eeden, Jacobus Willem	D.
52.	Van Heerden, Barend Izak Jacobus	D.
53.	Van Hulsteyn, Willem	D.
54.	Van Nickerk, Christian Andries	D.
55.	Van Niekerk, Pieter Wynand le Roux	D.
56.	Vermooten, Octavius Septimus	D.
57.	Vintcent, Alwyn Ignatius	D.
58.	Vorster, Louis Petrus	D.
59.	Watt, Thomas	E.
60.	Wessels, Daniel Hendrik Willem	D.
61.	Wessels, Johannes Bernardus	D.
62.	Wilcocks, Carl Theodorus Muller	D.
63.	Tellers: H. C. Becker	D.
64.	Tellers: Edw. Rooth	D.

NOES—42.

1.	Alexander, Morris	E.
2.	Baxter, William Duncan	E.
3.	Berry, William Bisset	E.
4.	Bisset, Murray	E.
5.	Blackwell, Leslie	E.
6.	Blaine, George	E.
7.	Blaine, Herbert Francis	E.
8.	Brown, Daniel Maclaren	E.
9.	Clayton, Walter Frederick	E.
10.	Close, Ralph William	E.
11.	Creswell, Frederick Hugh Page	E.
12.	Crewe, Charles Preston	E.
13.	Drew, Dewdney William	E.
14.	Duncan, Patrick	E.
15.	Fitzpatrick, James Percy	E.
16.	Henderson, James	E.
17.	Henwood, Charlie	E.
18.	Jagger, John William	E.
19.	Leuchars, George	E.
20.	Macintosh, William	E.
21.	MacNeillie, James Campbell	E.
22.	Madeley, Walter Bayley	E.
23.	Merriman, John Xavier	E.
24.	Moor, John William	E.
25.	Oliver, Henry Alfred	E.
26.	Orr, Thomas	E.
27.	Rennie, George	E.
28.	Robinson, Charles Phineas	E.
29.	Rocky, Willie	E.
30.	Sampson, Henry William	E.
31.	Smart, Thomas William	E.
32.	Stuart, William Hemming	E.
33.	Upington, Beauclerk	E.

34.	Van der Riet, Frederick John Werndly	Dutch Minister	
35.	Walton, Edgar Harris		E.
36.	Watkins, Arnold Hirst		E.
37.	Whitaker, George		E.
38.	Withinshaw, George Sheen		E.
39.	Woodhead, Lawrence		E.
40.	Wyndham, Hugh Archibald		E.
41.	Tellers: J. Hewet		E.
42.	Tellers: Emile Nathan		E.

62247

No. 11.

HOUSE OF COMMONS.

(5th November, 1919.)

LIEUTENANT-COMMANDER KENWORTHY asked the Under Secretary of State for the Colonies whether His Majesty's Government are considering any alteration in the status of the Protectorates of Swaziland, Bechuanaland, and Basutoland; whether the inhabitants will be consulted before any change in status does take place; and whether the House of Commons will have an opportunity of debating the matter before any action is taken?

LIEUTENANT-COLONEL AMERY: The answer to the first part of the question is in the negative, and to the second and third parts in the affirmative.

61261

No. 12.

PETITION SUBMITTED TO HIS MAJESTY THE KING BY THE BASUTOLAND DEPUTATION ON THE 7TH NOVEMBER, 1919.

[*Answered by No.* 14.]

PETITION.

To His Most Excellent Majesty George V. By the Grace of God King of the United Kingdom of Great Britain and Ireland and the British Dominions beyond the Seas, Defender of the Faith, Emperor of India, and Lord of Basutoland, etc.

MAY IT PLEASE YOUR MAJESTY,

THE Petition of the Basutoland Council in the name of the Basuto Nation humbly sheweth:—

1. We, the Basutoland Council in its fourteenth session assembled at Masern, Basutoland, have the honour to inform Your Majesty that we have deputed our Paramount Chief Griffith, Your Majesty's humble servant, to convey our greetings of profound respect and also to express with humility and respect our unchanging loyalty and devotion to Your Majesty and to Your Majesty's Government.

2. Your Majesty, we humbly beg to express our thanks for the protection which Your Majesty's Government has extended to us for many years that have passed, during which we have shown marked progress and prosperity in every respect. We implicitly trust that Your Majesty and Your Majesty's Government will not cease to protect and uplift us, although we are but an insignificant spot in that Empire of Your Majesty upon which the sun never sets.

3. We humbly pray that we may not speak any word nor allow any thought to escape us which might grieve Your Majesty's Government, in anything we have to say, and we pray that Your Majesty will place the most favourable construction upon our words.

4. Allow us to humbly refer Your Majesty to the fact that it is ten years ago when the late Paramount Chief Letsie II, having been informed by Your Majesty's Government that sooner or later Basutoland would be incorporated in the Union of South Africa, that he, on behalf of the Basuto Nation, sent a deputation to His Majesty the late King Edward VII to pray that Basutoland should not be transferred to the Government of the Union of South Africa inasmuch as by the

South Africa Act or Act of Union, Natives have been placed under great disabilities and denied the rights and privileges of all free people, And further to humbly refer Your Majesty to answers given to our deputation in 1909 by the Earl of Crewe, then Your Majesty's Minister.

5. May we be allowed to humbly point out that it is ten years since the Union of South Africa came into being, and that ever since there has been no true Union between the two white races, and even on the part of the Native races there has been no freedom and happiness owing to the harshness of the Union Native Policy. In this connexion, if it please Your Majesty, we may refer to the Rebellion which occurred in the Union of South Africa at a time when Your Majesty's Government was engaged in a fierce struggle.

6. We therefore humbly and faithfully suggest that the condition precedent to any suggestion that Basutoland should be united with the Union of South Africa is the evolution by the latter of a policy which solves the difficulties already within its own borders, and until order is established out of the present chaos of Native populations bewildered and antagonized by recent legislation, in the Union, Your Majesty's Government will appreciate the insistent need of not adding yet another unwilling or discontented people to the existing Native liabilities of the Union Government.

7. We do not presume to indicate a Native Policy for the Union of South Africa, we do not wish to interfere in what may seem good to that Union; but when it is imminently indicated by way of preparatory steps that we should become part and parcel of the Union, we feel it our duty to make the above solemn remonstrance.

8. May we further be allowed to humbly point out to Your Majesty the republican propaganda to which the Nationalist Party of South Africa are pledged which aims at the complete severance of South Africa with all British Imperial connexion, an issue we would deeply deplore, but which nevertheless is possible of achievement, as instance the case of the Republic of the United States of America.

9. We therefore humbly submit that as we, Your Majesty's humble servants, have no desire to be separated from "Our Mother" (Great Britain) any union between Basutoland and the Union of South Africa without free mutual consent would be a political error of the first magnitude, and a denial to the non-consenting party of those principles of recognition of small yet distinct nationalities for which the Empire of which we are a loyal and integral part has carried the burden of the late World War.

10. Therefore, we, Your Majesty's aforesaid humble petitioners, most respectfully pray, and beseech Your Majesty to be pleased to grant us our heartfelt prayers as follows:—

(*a*) That Your Majesty will represent, at such time and season as to Your Majesty's Ministers shall seem fit, to the Government of the Union of South Africa that the consent of Your Majesty to the incorporation of Basutoland into the Union of South Africa, when duly requested as in the Act of Union laid down will not be given save and except with the free consent of the Basuto Nation.

(*b*) That Your Majesty will consult the said petitioners and the Basuto Nation should any alteration of existing system be suggested, contemplated or initiated, and that Your Majesty will keep the Basuto Nation informed upon these matters in order that any possible unrest throughout the length and breadth of our land Basutoland may continue to be allayed by a cheerful and abiding confidence in Your Majesty's Ministers.

(*c*) That in Your Majesty's own good time, Your Majesty will extend still further steps in the direction of self-government to the Chiefs, Headmen and people of the Basuto Nation, in terms of the expressed wish of the late Chief Moshesh when he sought the protection of the Government of Great Britain.

11. We end this our humble petition by saying that we, the Basutoland Council, in the name of the Basuto Nation, do most humbly lay our prayer at Your Majesty's feet. Have pity upon us. Our prayers are the prayers of all. No one differs from us.

12. This petition is drawn by us, the Basutoland Council, with the knowledge and approval of the Basuto Nation, and it is signed by me on behalf of the Basutoland Council.

GRIFFITH,
Paramount Chief.

61261

No. 13.

REPLY OF SECRETARY OF STATE TO PETITION HANDED IN BY BASUTO DEPUTATION ON 24TH OCTOBER, 1919.

Downing Street, 12th November, 1919.

PARAMOUNT CHIEF,

I GREET you.

This is my reply to the Petition* of the Basuto people which was read to me when I had the pleasure of welcoming you and the other members of the Basuto deputation at the Colonial Office on the 24th October.

As I promised on that occasion, I have considered it with great care. I take the greatest possible interest in all that relates to the welfare and happiness of the people of Basutoland, and it is a matter of great satisfaction to me, the more especially as I have been myself High Commissioner for South Africa and thus directly concerned with the administration of the country, that they should be so warmly attached to the existing system of Government.

The Basuto people are clearly entitled to form and express their own opinion on any proposed change in that system. I note that their opinion is not at present favourable to incorporation in the Union of South Africa. I will not enter into the reasons for that conclusion which are set out in the Petition, but my own opinion on the subject and that of His Majesty's Government is that the Schedule to the South Africa Act provides adequate safeguards for the interests of the native populations of any South African native territory that may be incorporated in the Union, and I trust that if at any time the incorporation of Basutoland in the Union should become a practical question, the apprehensions which your people feel at present will have disappeared. Meanwhile, no proposal for incorporation has reached me, nor have I any reason to suppose that it is in contemplation.

With greetings,

I remain,

Your friend,

MILNER.

61261

No. 14.

REPLY BY THE SECRETARY OF STATE TO THE BASUTO PETITION SUBMITTED TO HIS MAJESTY THE KING ON 7TH NOVEMBER, 1919.

Downing Street, 12th November, 1919.

PARAMOUNT CHIEF AND CHIEFS,

I greet you.

As you are aware, the Petition† of the Basutoland Council which you laid before the King at the Audience which His Majesty was graciously pleased to grant you on the 7th November was handed by His Majesty to me, His Majesty's Secretary of State for the Colonies, with the Command that I should give you His Majesty's reply before you left this country.

You have already been informed by His Majesty how highly he appreciates the loyalty and devotion with which the Basuto Nation regard His Majesty's Throne and Person, and you will doubtless convey His Majesty's kind and gracious words to the Basutoland Council on your return.

I will now deal with the three prayers contained in the Petition.

As regards the first two prayers I have to say that His Majesty's Government have not before them at present any proposal for the incorporation of Basutoland in the Union of South Africa nor, so far as they are aware, is any such proposal likely to be made in the immediate future. If and when such a proposal is made, the people of Basutoland will be given due notice of it and will have a full opportunity of expressing their views. This is no new assurance. It is what has always been intended.

When the South Africa Bill was before the House of Commons in 1909, an undertaking was given by His Majesty's Government that the wishes of the natives of the South African territories would be most carefully considered before any

* No. 10. † No. 12.

transfer took place, and there has never been any question of departing from that undertaking. Further, a pledge was given by His Majesty's Government to the House of Commons at the same time that the House would have the fullest opportunity of considering the matter before the transfer of the Territories. That pledge also holds good. It will thus be seen that there can be no possibility of altering the present system except after consultation with the Basuto Nation and with their full knowledge.

As regards the third prayer, I do not understand precisely what further steps in the direction of self-government the Basutoland Council has in mind, but if the Council has any proposals to make for the improvement of the internal administration of the country, they have only to submit them to the Resident Commissioner. It needs no words of mine to assure you that they will then be most carefully considered by the High Commissioner and by His Majesty's Government.

With greetings,

I remain,

Your friend,

MILNER.

30873

No. 15.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 21st June, 1921.)

(Swaziland.)
(No. 562.)

SIR, High Commissioner's Office, Cape Town, 30th May, 1921.

I HAVE the honour to enclose, for your information, a copy of an extract from the *Cape Times*, dated 26th May, on the subject of the transfer of the administration of Swaziland to the Union of South Africa.

I have, &c.,

ARTHUR FREDERICK,
High Commissioner.

Enclosure in No. 15.

Cape Times,
Thursday, 26th May, 1921.

THE House of Assembly yesterday resumed in Committee of Supply on estimates of expenditure from the Consolidated Revenue Fund.

On the Prime Minister's Vote, Mr. Marwick said he hoped the Prime Minister would make a statement as to the question of the incorporation of Swaziland into the Union.

General Smuts, in reply to Mr. Marwick, who asked a question about Swaziland, might he just say that the Government had had this matter under consideration for some time. They all admitted that the native territories must be incorporated sooner or later in the Union. It was part of the South Africa Act, and there were some clauses of that Act actually dealing with this matter. The procedure was laid down in the Act, however, that the incorporation would proceed on a petition from both Houses of Parliament, and the Government this session had not thought it advisable to move for these addresses, but, as he had said, the matter was under consideration, and the addresses would probably be put forward at an early session. He agreed that it would help very much to know that the Government intended to keep the representation of the natives of Swaziland on the Native Affairs Commission. But he would point out that not only had they to consider the natives but the white people also. Swaziland was not an entirely native territory, and in the provisions for the incorporation of Swaziland within the Union they would have to make provision also for the incorporation of the white population as part and parcel of the white population of the Union, and legislation would have to be passed for the whites to be incorporated for electoral purposes in one or other of the Provinces.

56311

No. 16.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 14th November, 1922.)

(Swaziland.)
(No. 1127.)

SIR, High Commissioner's Office, Pretoria, 25th October, 1922.

WITH reference to previous correspondence on the subject of the proposed visit to England of a Deputation of Swazi chiefs, I have the honour to transmit herewith a copy of a letter which I have to-day received from the Prime Minister of the Union intimating that the question of the transfer of the administration of Swaziland to the Union is likely to be raised in the Union Parliament during the next Session.

2. I have informed General Smuts that I am forwarding a copy of his letter to you.

I have, &c.,
ARTHUR FREDERICK,
High Commissioner.

Enclosure in No. 16.

(P.M. 51/19.)

Prime Minister's Office,
Pretoria,
24th October, 1922.

YOUR ROYAL HIGHNESS,

I HAVE the honour to inform Your Royal Highness that the question of the transfer of the Administration of Swaziland to the Union is likely to be raised in the Union Parliament during the next Session and if, as I understand, the Colonial Office is to be approached by a deputation from Swaziland about certain matters, I think the Secretary of State should be informed of this proposal as well, so that he may be prepared to receive the views of the deputation on this question in addition to the other matters which they intend laying before him.

The future of Swaziland is largely bound up in the decision that must be taken concerning the extension of the railway through the Eastern Transvaal coal fields to the coast, which again depends upon the route selected. The Residents of Swaziland want railway communication and if this were guaranteed they would most probably acquiesce in incorporation in the Union.

Until the engineering problems have been solved and until some definite decision has been arrived at in regard to Delagoa Bay, the Union Government are not in a position to lay any concrete proposals before Your Royal Highness, but they think it would be advisable to inform the Secretary of State for the Colonies that a discussion in Parliament on this question may be anticipated during the coming Session.

I have, &c.,
J. C. SMUTS.

Major-General
His Royal Highness
Prince Arthur of Connaught,
K.G., K.T., G.C.M.G.,
&c., &c., &c.

4551

No. 17.

STATEMENT MADE BY THE SECRETARY OF STATE FOR THE COLONIES TO THE SWAZI DEPUTATION RESPECTING THE QUESTION OF THE TRANSFER OF THE GOVERNMENT OF SWAZILAND TO THE GOVERNMENT OF THE UNION OF SOUTH AFRICA.

PARAMOUNT CHIEF AND CHIEFS,

THERE is another matter about which I wish to speak to you, namely, the question of the transfer of the Government of Swaziland to the Government of the Union of South Africa. In his reply* to your Petition of 1919† the High Commissioner, Lord Buxton, informed you that in the event of the question being considered, you would be permitted to send a Deputation to England, if you should then wish to do so.

Before you left South Africa you expressed the desire that you should be allowed to refer to the question when in London, and His Majesty's Government agreed to your doing so, on the understanding that the present Deputation was to be regarded as the deputation for which permission was promised by Lord Buxton.

This arrangement was intended not only to give you an opportunity of expressing your views personally to the Secretary of State for the Colonies, but also to avoid the further expense to the Swazi people which a second Deputation would involve. You did not refer in your Petition to the King to the question of the transfer of the Government of the Territory, and the written statement which I understood you wished to submit on this question has not been received.

I am unable to say when the Union Government will approach His Majesty's Government with regard to taking over the Government of the Territory, but they have had the question under consideration for some time and I therefore think it desirable that I should say something now to you on the subject.

You are doubtless fully aware of the safeguards provided in the schedule to the South Africa Act. In my opinion and in the opinion of His Majesty's Government those safeguards are adequate for the protection of the rights which the native population of Swaziland enjoys under the direct administration of the Crown and you need have no apprehension that the transfer of the Government of the territory to the Union, if and when approved by His Majesty the King, would affect your legitimate interests prejudicially. In saying this I have not overlooked a statement made in 1921 in the House of Assembly at Cape Town, by the Prime Minister of the Union of South Africa, in which he intimated that in the event of the transfer of the Government of Swaziland to the Union provision would have to be made by legislation for the representation in the Union Parliament of the European population of the territory. You may perhaps have thought that in such legislation might be involved some interference with the safeguards provided in the Schedule to the South Africa Act for the protection of native rights and interests, but you may rest assured that the protection of native rights and interests would not be taken away or diminished by any legislation which might be passed to enable the European residents to participate in the election of members of the Union Parliament. I would remind you that when the South Africa Bill was before the House of Commons in 1909 a pledge was given by His Majesty's Government that before the Government of any of the three territories administered by the High Commissioner was transferred to the Union the fullest opportunity would be given to the House of Commons of considering the matter. That pledge still holds good. I need hardly say that His Majesty's Government would not support in the House of Commons or elsewhere any proposal for transfer if it involved the impairment of such safeguards for native rights and interests as the Schedule to the South Africa Act was designed to secure. Nor is there any reason to suppose that the Union Government of South Africa would wish those safeguards to be impaired.

You will recollect of course that one of those safeguards in the event of transfer is the provision for the appointment of a Commission to advise the Prime Minister of the Union of South Africa and through him the Governor-General in Council upon all matters relating to the general conduct of the administration of or the legislation for the transferred territory or territories. That you rightly attach great importance to this provision I am confident. Great importance is also

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* 7484/1920: not printed. † 10002/1919: not printed.

attached to the principle of a Commission by the Union Government of South Africa. Indeed it has of its own accord already adopted the principle for application to the administration of native affairs within the Union. Provision also exists in the South Africa Act for the continued recognition of your National Council and representations by that Council would receive the consideration of the Union Government through the local officer in charge who would report to the Commission. The Native Affairs Commission for the Union, which as you know has been established by an Act of the Union Parliament, has not yet been very long in existence but I have reason to believe that it has done excellent work for the natives of the Union even during that relatively short period and that its advice carries very great weight with the Union Government and Parliament. This circumstance if fairly and reasonably considered ought to go far towards reassuring you that the rights and interests of the natives of Swaziland would be protected as adequately under the Union Government of South Africa as they are now.

As to the procedure which you should adopt if and when the question of the transfer of the Government to the Government of the Union of South Africa is definitely raised, you will be at liberty to make your representations to the High Commissioner through the Resident Commissioner and if you should wish personally to see the High Commissioner on the subject, I have no doubt that there will be no difficulty on the part of the High Commissioner in meeting your wishes. Anything you may say to the Resident Commissioner or to the High Commissioner will naturally be submitted to His Majesty's Government and will receive the same careful consideration as if it had been said to me personally. But I can hold out no hope that a second deputation to England will be allowed.

DEVONSHIRE,
His Majesty's Principal Secretary of State
for the Colonies.

Colonial Office,
31st January, 1923.

50555

No. 18.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 8.20 p.m., 24th October, 1924.)

(TELEGRAM.)

(Paraphrase.)

CONFIDENTIAL AND SECRET. 24th October. Prime Minister on the eve of his departure for the country called to say good-bye and vaguely referred to Swaziland and Bechuanaland Protectorate. I understand in the case of the latter that he wished to secure transfer of British South Africa Company blocks and also Tati to the Union. I replied that you had not authorized me to discuss the question and suggested he intimate his wishes to me by informal letter. I was somewhat surprised to receive after his departure personal letter asking me to approach the Imperial Government with a view to the transfer under the schedule of the South Africa Act of the Bechuanaland Protectorate and Swaziland. I have many important observations to offer which will reach you by despatch* due London, 17th November. This telegram is merely intended to advise you of the application of the Union Government. Prime Minister will not know that I have advised you by telegraph. I propose to inform him on his return that I am consulting you by mail.—ATHLONE.

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* No. 20.

52697

No. 19.

SOUTHERN RHODESIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 10th November, 1924.)

[*Answered by No. 40.*]

(No. 330.)

SIR, Governor's Office, Salisbury (Rhodesia), 17th October, 1924.

I HAVE the honour to refer to Sir Drummond Chaplin's despatch No. 234 of the 25th May, 1921,* addressed to the High Commissioner, a copy of which was forwarded to the Secretary of State for the Colonies, regarding the proposed incorporation of the Tati Territory in Southern Rhodesia.

2. On the 18th May, 1921, the Legislative Council of Southern Rhodesia adopted the following Resolution:—

> "That the Administration approach the Colonial Office and the inhabitants of the Tati district with a view to arranging for the immediate incorporation of the country known as the Tati Territory with Southern Rhodesia";

but no action was taken in the matter, probably in view of the changes at that time pending in the constitutional position of Southern Rhodesia.

3. I am desired by my Ministers to make representations to His Majesty's Government with a view to the above resolution being put into effect. A copy of a Minute dated 16th October, which they addressed to me on the subject is enclosed.

4. My Ministers inform me that the European settlers residing in the Tati Concession are anxious that that territory should be incorporated in Southern Rhodesia: I enclose copy of a letter dated 25th August, 1924, addressed to the Premier by the Tati Farmers' Association on the subject.

5. During his recent visit to South Africa the Secretary of State for the Colonies granted an interview to a deputation of European settlers from the Tati Territory, who presented a petition requesting that they might be removed from the jurisdiction of the Bechuanaland Protectorate administration and incorporated in Southern Rhodesia; and I understand that their petition was favourably received.

6. From its geographical position and for economic reasons the inclusion of the Tati Territory in Southern Rhodesia would appear to be a convenient arrangement. I accordingly submit the request of my Ministers for your favourable consideration.

I have, &c.,
J. R. CHANCELLOR,
Governor.

Enclosure 1 in No. 19.

(No. 488/1924.)

Office of the Premier,
Salisbury (Rhodesia),
16th October, 1924.

MINUTE.

MINISTERS have the honour to recommend that His Excellency the Governor may be pleased to make representations to His Majesty's Government that arrangements be made at an early date to incorporate the district known as Tati Territory with the Colony of Southern Rhodesia.

Ministers beg to inform His Excellency that the parties mainly interested are all desirous that His Majesty's Government will agree to this incorporation, as the attached correspondence shows:—

(1) The European settlers of the Territory have made representations to Ministers asking them to support their efforts to secure incorporation and so relieve them of the disabilities to which they are subjected by reason of their being under an administration "framed solely in the interests of natives."

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* Enclosure in 30896/1921: not printed.

(2) Ministers are informed that a deputation from the Tati Territory interviewed the Secretary of State for the Colonies at Johannesburg, on 8th September, 1924, and presented a petition to him in favour of incorporation.

(3) The Tati Company, Limited, have informed Ministers that they have made representations direct to the Colonial Office urging early incorporation.

(4) Ministers beg to inform His Excellency that on the 18th May, 1921, the following resolution was adopted without a division in the Legislative Council of Southern Rhodesia :—

"That the Administration approach the Colonial Office and the inhabitants of the Tati district with a view to arranging for the immediate incorporation of the country known as the Tati Territory with Southern Rhodesia."

W. M. Leggate.

Enclosure 2 in No. 19.

The Tati Farmers' Association,

Tsessebe, Tati,
25th August, 1924.

His Honour
Sir Charles Coghlan, C.M.G.,
Prime Minister, Southern Rhodesia,
Salisbury.

Your Honour,

In view of the visit to South Africa of The Honourable Mr. J. H. Thomas, Colonial Secretary, our Association would like—in the event of your interviewing the Colonial Secretary—for you to kindly represent the desire of the majority of the European residents of the Tati District for incorporation into Southern Rhodesia, at an early date.

It is understood Your Honour is fully conversant with our true political position, and the disabilities Europeans here are subjected to, by being under an administration framed solely in the interests of natives.

If Your Honour coincides, and also considers it desirous to introduce a Delegate from Tati to the Colonial Secretary, I shall feel obliged if Your Honour will advise me at an early date, when and where our Delegate should await on you. Our Delegate has already been appointed in anticipation of your instructions.

I have, &c.,
Geo. H. C. Hoare.
Hon. Secretary.

54256

No. 20.

SOUTH AFRICA.

The HIGH COMMISSIONER to the SECRETARY OF STATE.

(Received 19th November, 1924.)

(Very Secret.)

Sir, High Commissioner's Office, 29th October, 1924.

I have the honour to report that on the morning of 22nd October the Prime Minister called to see me prior to his departure for the country. I was not informed that he wished to raise any important issue, and it was entirely by accident that the Imperial Secretary learned a few minutes beforehand that he proposed to "speak to me about Bechuanaland."

At the interview which followed, General Hertzog made some general references to Swaziland and Bechuanaland, and in regard to the latter I concluded that he was raising the question of the transfer of the British South Africa Company's blocks along the Transvaal border. He also mentioned the Tati Block, but I reminded him that the future of this district was complicated by special considerations. I suggested that the best procedure would be for him to put forward whatever proposals he had to make in a personal letter to me, on the receipt of which I agreed to consult you.

After his departure I was rather surprised to receive the following letter asking for the "incorporation" of the whole of the Bechuanaland Protectorate in the Union :—

"With reference to our conversation of yesterday, Section 151 of the South Africa Act of 1909 provides that the transfer to this Government of any territories belonging to or under the protection of His Majesty, and inhabited wholly or in part by natives, on certain terms and conditions embodied in the Schedule to that Act, and I feel the time has arrived when serious consideration should be given to the question of the incorporation in the Union of the Bechuanaland Protectorate and Swaziland for the following reasons *inter alia*:—

Firstly.—As you are aware, the recently concluded agreement with Rhodesia excludes the importation of cattle into the Union, except under certain specified conditions. This agreement will necessitate similar restrictions being placed on cattle imported into the Union from the Bechuanaland Protectorate and Swaziland, and will no doubt materially further restrict the development of these territories. These restrictions will necessitate the finding of new markets for cattle from these territories.

Secondly.—Internal development under present conditions in these territories is not possible owing to the fact that their resources are so limited and considering the intimate geographical connexion of these territories with the Union, their incorporation with the latter has become essential to their own development and, as it seems to me, is fast becoming essential to the development, through railways and irrigation, of the Union itself.

Irrigation in the Union has reached great dimensions, and any future development in that direction from the North is effectively prevented until such time as incorporation takes place. Incorporation in the Union means also the development of these territories in this respect.

Thirdly.—Petitions have been received from the inhabitants of these Territories praying for incorporation in the Union. Petitioners include native Chiefs as well as the white inhabitants, all of whom realize the necessity for incorporation in the Union for their future welfare and prosperity.

With these facts before Your Excellency I shall be glad if steps could be taken to ascertain the feeling of His Majesty's Government in the matter of the incorporation of these territories in the Union. I may here say that during Mr. Thomas's recent visit to the Union I mentioned to him the matter of the incorporation of the Protectorate, and he was quite sympathetic. I did not at the time refer to Swaziland because I had not then had the opportunity of going into that question. Almost immediately after, however, the incorporation of that territory was likewise pressed upon me, and upon consulting the records I found that the question had already repeatedly been brought before General Smuts, who likewise felt the necessity for the incorporation but was waiting more favourable financial circumstances in the Union."

This letter shows signs of having been hastily composed and conveys the impression that the writer had not grasped the full significance of the Schedule to the South Africa Act. The repeated reference to "incorporation" in the Union of these territories seems to betray ignorance of the precise form of administration contemplated under the Act.

The General's *first* argument is a very curious one. The imposition of cattle restrictions is repugnant to the present Customs Agreement even while the Bechuanaland Protectorate is independent of the Union, but to maintain them after transfer of the Administration to the Union would be out of the question and contrary, at any rate in spirit, to Section 17 of the Schedule, which prescribes that "no differential duties or imposts on the produce of the territories shall be levied." The only other interpretation of this argument is that it is an attempt to coerce the Imperial Government by threatening to deprive the natives of a market for their cattle if your consent to the proposed incorporation is withheld. This is hardly a tactful way of opening negotiations, but fortunately our position is not so desperate as it was prior to the Customs Agreement with Rhodesia when a 1,200 lb. embargo

on cattle imported into the Union was contemplated. Even if the new scale of 1,000 lb. is applied the natives will still be left with 50 per cent of their former market in the Union while an equal or even greater number of animals could be absorbed locally by accepting the Imperial Cold Storage Company's offer to erect works in the Protectorate.

The question of internal development referred to in General Hertzog's *second* argument is dealt with in Mr. Secretary Harcourt's despatch of the 2nd May, 1913,* in which it is stated that "His Majesty's Government are under no obligation, legal or moral, to develop the Protectorate for white settlement. There is no reason to suppose that such development would benefit the natives, whose welfare has been, and must be the principal concern of His Majesty's Government in Bechuanaland."

With regard to the second part of this argument I cannot see how the irrigation of the Union is going to be accelerated by the proposed transfer of the Administration, and as far as the irrigation of the Protectorate itself is concerned, much research and level work will have to be undertaken before the feasibility of the Schwartz Scheme (about which few experts have been very enthusiastic) can be predicted with any degree of certainty or its cost estimated with even approximate accuracy. All the information which has been accumulated by the High Commissioner on this question has been placed at the disposal of the Union Authorities, but the solution of the problem is at present far too remote to be cited as an argument for the immediate "incorporation" of the territory in the Union.

It is probable too that the Prime Minister has lost sight of, or insufficiently considered, the fact that the British South Africa Company has preferential rights, except as against the Bechuana natives, over the Crown Lands of the Protectorate.

The *third* argument put forward by the Prime Minister, namely, that petitions have been received from native Chiefs of these territories praying for incorporation in the Union is almost too absurd to deserve refutation. But in order to remove any doubt on this point the Imperial Secretary asked the Secretary to the Prime Minister whether he would be good enough to supply me with copies of these petitions. An evasive reply was received to the effect that evidence of this anxiety on the part of the Chiefs to enter the Union was obtained from certain personal letters addressed to the Union Minister for Lands (Mr. Piet Grobler) by Mr. B. I. Vickerman, a Member of the European Advisory Council of Bechuanaland. Subsequently the Imperial Secretary was shown some of these letters confidentially. In them Mr. Vickerman admitted that all the principal Chiefs were undoubtedly opposed to transfer to the Union but he argued that the Minister of Lands need not necessarily regard this as the opinion of all the natives. Some of the petty Chiefs, he thought, would welcome the change in order to escape from the authority of the principal Chiefs, whose rule he alleged was despotic. He attributed the absence of any outward indications of dissatisfaction amongst the minor Chiefs and tribesmen to their fear of incurring the wrath of their superiors. The predominant argument which ran through all Mr. Vickerman's letters to Mr. Grobler was that in Bechuanaland the interests and status of the Europeans were being subordinated to those of the natives to the detriment of the prestige of the former. He says he is confident that Mr. Grobler and his colleagues will be the first to recognize that such a state of affairs cannot be tolerated "south of the Zambesi" and he calls upon them to re-establish the position of the white man in Bechuanaland by the only method possible—namely, incorporation in the Union.

Looked at from a European point of view the rule of the native Chiefs is unquestionably rigorous but it is doubtful whether obedience could be exacted or tribal discipline maintained by less autocratic methods. A certain amount of discontent no doubt exists on account of the very stringent laws against the introduction of spirituous liquors which were so wisely inaugurated by Khama and which have subsequently been adopted by his successor. But these are causes of complaint for which, let us hope, incorporation in the Union would provide no palliative. But when the question of their political destiny is raised all minor grievances are invariably eclipsed by their unanimous desire to remain under the Imperial Government, and it is ridiculous to suggest that they would welcome transfer to the Union, indeed it is very doubtful whether they would peacefully accept such a change. In a speech delivered on the occasion of the installation of Sekgoma some of the Chiefs declared that any attempt to put them under the Union would be "a cause of trouble" (see my predecessor's Confidential despatch of the 25th May,

* No. 3.

1923*). At a Pitso of tribesmen held at Mahalapye before Prince Arthur in September, 1923, Sekgoma, whose remarks received the acclamations of his people, said "My father (Khama) was loyal to the Government and so am I. I do not wish to go to any other Government. When a man is pleased with things as they are he wishes to remain like that for ever. The Imperial Government has allowed us to retain our native customs, that is why I never wish to leave this, our Government, for any other, because they might not protect me in the same way." At the same meeting Chief Gorewang said "We were born under this Government which came to the country while I was a young man. Some people that are under other Governments are in trouble. They have nothing. We are ploughing. We have got cattle. That is why we are pleased; that is why we do not wish to separate from this Government. Do not abandon us, we are your people." (See His Royal Highness's despatch No. 1124 of the 21st September, 1923.†)

The feelings of the natives on this question are so well known that it is superfluous to labour them. But the following final quotation from a speech made by Headman Ratlhaudi at a Kgotla of the Bangwaketsi shows that these sentiments are not confined, as suggested by Mr. Vickerman, only to the powerful Chiefs. Headman Ratlhaudi said, "We keep on hearing about the Union and that they wish to absorb us—we feel that we will be in the Union without even knowing it. We hear that but for Rhodesia we would be in the Union now. We do not like the Union. Our Protectorate is not due to the Union." (See His Royal Highness's despatch No. 878 of the 31st July, 1923.‡)

In the face of these sentiments, with which General Hertzog ought to be conversant, it seems incredible that he should have seriously asserted in his letter to me that "Petitions have been received from native Chiefs . . . as well as white inhabitants . . . . praying for incorporation in the Union." It is even more remarkable that he was prepared to regard the irresponsible reports of a partisan like Mr. Vickerman, who has his own special interests to consider, as justification for a statement which is such an obvious distortion of fact.

Such unconvincing arguments, I felt sure were unlikely to persuade His Majesty's Government to deviate in regard to Bechuanaland from their past policy, which has been distinguished by extreme reluctance to consider any proposal for the transfer of that Administration to the Union. This policy was first clearly defined in Mr. Secretary Harcourt's Secret despatch of the 2nd May§, to Viscount Gladstone after the Botha Government's request for incorporation had been received and considered. The then Secretary of State informed the High Commissioner that a demand for the incorporation of the Protectorate would be "extremely embarrasing to His Majesty's Government," as "all existing indications point to strong opposition on the part of the Bechuanaland tribes, and in the face of their opposition it would be quite impossible for His Majesty's Government to justify the transfer to the House of Commons, to which they have pledged themselves, in the debate on the South Africa Act, that it will have the opportunity of considering the matter before the transfer."

As will be seen from the reports of natives' speeches quoted above there has been no diminution of this opposition up till September, 1923. On the contrary, the prospect of Rhodesia being incorporated in the Union had a disturbing effect upon the Bechuanaland tribes, and a corresponding feeling of relief manifested itself when that Colony decided in favour of independent self-government without the Union. In the same despatch the Secretary of State asked Lord Gladstone to explain these objections to General Botha, and he expressed the hope that the Union Prime Minister would "recognize that alike in history and in actual conditions the Protectorate differs greatly from Swaziland, and it would be impossible in the near future to justify to Parliament a proposal for transferring the Protectorate."

Although the question of the transfer of Swaziland figured prominently in the subsequent policy of the Union Government that of Bechuanaland was never again raised by either General Botha or General Smuts, from which it may be assumed that both Prime Ministers accepted the policy and acknowledged the principles which impelled the Secretary of State to refuse incorporation.

In a telegram dated the 21st August, 1919,‖ on the subject of a further discussion in London with Generals Botha and Smuts in regard to the transfer of Swaziland to the Union, Lord Milner informed the High Commissioner that "General Botha tells me that he has no present intention of asking for the transfer

* 29445/1923: not printed. † 49000/1923: not printed. ‡ 41468/1923: not printed.
§ No. 3. ‖ No. 8.

of Bechuanaland or Basutoland, and I think that he perfectly understands that, unless the Union Government can make a success of handling the native question in Swaziland, the transfer even of Bechuanaland to the Union will be indefinitely deferred. His own ideas as to the treatment of natives seem to me liberal and quite on right lines, and I believe that he is sincere in this. You will, of course, have to satisfy yourself that he is likely to be able to carry them out. If he is, I believe that the present is as good an opportunity as we are ever likely to have for making a start with the transference of native territories under really good conditions."

I should hesitate to affirm that the same favourable conditions exist at the present moment. The native policy of General Hertzog's Government contemplates a fundamental departure from that which has been pursued since Union. What his actual policy is has not yet been disclosed except that its basic principle is "segregation." At a Conference of natives (convened under the Natives Affairs Act) which is at present sitting in Pretoria, vague references to this policy were made by the Minister for Justice, who is acting as Minister for Native Affairs during General Hertzog's absence in South West Africa. He informed the natives that the Prime Minister would lay his views on the subject of segregation before Parliament next Session. The Reverend Dube, replying on behalf of the natives, said that "the principle might be acceptable if the Government were benevolent. Under present conditions, however, the natives did not see how they could find sufficient land on which to develop. They were sorry to see that the Government was taking up Crown land for poor whites when the whites had such a great deal of other land at their disposal. Large tribes were being removed from land which they regarded as theirs. Where was the land provided for them in the Native Act? Only in Pondoland and the Transkei had the natives sufficient land which they could develop. The natives were being driven from the towns and displaced from jobs."

The Reverend Dube then referred to the recent case in which a native girl deserted from service. Subsequently she was recaptured by her European employer, tied up in a barn and thrashed. She was afterwards discovered, still bound up but dead, with her fingers nibbled by rats. The European employer was subsequently charged with the crime of murder and tried before a Dutch judge and jury. Defence argued that the girl did not die as a result of the flogging but had either deliberately committed suicide or had fainted and accidentally strangled while unconscious. The charge of murder was not upheld by the jury, who returned a verdict of common assault for which the judge sentenced the prisoner to only six weeks' imprisonment. Referring to this trial the Reverend Dube said "the case of the girl who was tied and beaten made the natives' blood boil. As natives they were not a hard-hearted people and they responded to justice, but when they saw such crimes so lightly punished it did not tend to make them more loyal to the powers that be." Other native speakers denounced the case as a travesty of justice. The Minister in reply said the case was exceptional, and mentioned that in 1922 a white man was hanged for the murder of natives. He was presumably referring to an episode which occurred prior to the outbreak of the Rand rebellion when a Dutchman named Stassen was hanged for having fired on some inoffensive natives, killing three of them.

I refer to this case because it shows clearly that the jury system should not be resorted to in white versus native trials and because it has some bearing on the administration of justice in the event of a territory being transferred to the Union. Under the Schedule to the South Africa Act the laws of a territory so transferred, including those connected with the administration of justice, may be prescribed by Proclamation of the Governor-General in Council and the only safeguard provided is that such laws must be submitted to Parliament, together with the dissenting observations, if any, of the Commissioners appointed under the Act to advise the Prime Minister. The personnel of the Commission is therefore an important consideration and in this connexion I would refer to Mr. Secretary Harcourt's Secret despatch of the 21st February, 1913,* paragraph 6, in which the following passage occurs: "Although, however, the conditions on which transfer must take place are determined there are certain matters on which information will certainly be required before transfer can be sanctioned, especially the names of the Commissioners and the Secretary who are to be appointed under the Schedule, and the salaries to be assigned to them. Ministers will no doubt propose to nominate gentlemen whose duties and experience have specially fitted them to deal with a native territory."

* No. 1.

An unhappy feature of administration in this country is the abnormal extent to which the services are subject to political influence. Two members of the Union Native Affairs Commission, namely, Doctor Roberts and General Lemmer, are Members of Parliament and are therefore ineligible to sit on the Commission contemplated under the South Africa Act. In a memorandum dated the 20th April, 1920, Sir Herbert Stanley records a conversation he had with General Smuts in which he reminded the Prime Minister of this and received the reply that he (General Smuts) was aware of the fact but "he seemed to think that this was a difficulty which could be surmounted—whether by amendment of the Schedule or otherwise he did not say."

In some quarters it is anticipated that the Union Government proposes that the Native Affairs Commission, plus an additional member, should be charged with the duties which would ordinarily devolve upon the type of Commission prescribed under the Schedule, which would have to be amended to meet this and any other change they might consider necessary in the event of one or more of the High Commission territories being transferred to the Union. But I would strongly urge that His Majesty's Government should insist on the Schedule being left intact because once any relaxation of its provisions is conceded it will be difficult to resist subsequent demands for amendment until ultimately the Schedule would bear little resemblance to the form in which it was originally drafted. The importance of maintaining it unaltered is emphasized in the late Viscount Harcourt's despatch already referred to (21st February, 1913*) in which Lord Gladstone was warned that "whatever course discussion of a proposal for transfer might take, it is very unlikely that Parliament would be willing to make any alteration in the terms of the Schedule, which was presented to it and accepted by it as embodying certain principles and safeguards to native rights long recognized here as essential."

A Commission similar in complexion to the Union Native Affairs Commission could not, in my opinion, satisfactorily discharge the functions demanded by the Schedule. The majority report of this Commission on the Bondelswartz Rebellion in South West Africa which was subscribed to by Doctors Roberts and Loram, was modified under political pressure before presentation to Parliament, while the minority report by General Lemmer disclosed a divergence of opinion on native policy between its British and Dutch personnel so fundamental in character as to defy reconciliation.

In the last paragraph of his letter General Hertzog maintains that during your recent visit to South Africa you sympathised with his desire to incorporate Bechuanaland in the Union. I am not of course in a position to deny this assertion but from what you told me of your conversations with him I concluded that, like me, you were under the impression that he was referring to the British South Africa Company's "blocks" concerning which you were also interviewed by a deputation of European settlers.

I have said enough in this despatch to indicate that I am most emphatically opposed to his request for the transfer of the whole of Bechuanaland. Those portions of the Crown Lands where the irrigation schemes referred to by General Hertzog might be carried out, are separated from the Union by intervening Native Reserves and I am of opinion that any attempt to develop them could not be undertaken from the Union without prejudice to the interests of the natives and interference with the existing boundaries of their Reserves.

Swaziland stands in a somewhat different position because the Reserves are there interspersed amongst lands belonging to Europeans, which comprise about two-thirds of the total area of the territory and upon which many of the natives are permitted by the owners to reside.

The Prime Minister is also correct in saying that the transfer of this territory has been repeatedly raised by the Union Government in the past, and although in present circumstances I should like to see its transfer delayed for one or two more years, personally I do not think they will be very anxious to have it if Bechuanaland is withheld, because the white settlers will oppose incorporation unless they receive a definite promise that railway development will be undertaken in the near future. Such an obligation would involve serious financial commitments in addition to the existing deficit, which would also have to be taken over. Its attractions to the present Government are also seriously depreciated by the fact that nearly all the land has been disposed of already. There is, however, the possibility that the

* No. 1.

transfer of the Administration may be involved if a new convention is arranged between the Union and Portuguese East Africa. Under the circumstances I do not see how the Imperial Government could very well refuse a request from the Union to take over Swaziland. But in this despatch I do not propose to discuss the case of this territory in detail, but will for the most part confine my remarks to the Bechuanaland Protectorate to which, it will be noticed, that the Prime Minister gives prior consideration.

Bearing in mind the past policy of the Imperial Government as recapitulated in this despatch I thought it necessary to warn General Hertzog at the outset that, in so far as Bechuanaland was concerned, there were grounds to believe that His Majesty's Government would not readily acquiesce in his proposals for a transfer. Accordingly, on his return from the country and prior to his departure for South West Africa, I sent him the following reply to his letter:—

"25th October, 1924.

"Dear General Hertzog,

I have received your letter of the 23rd instant on the subject of the transfer of the Administrations of the Bechuanaland Protectorate and Swaziland to the Union on the conditions set out in the Schedule to the South Africa Act.

I had not concluded from our previous conversation that, in the case of Bechuanaland, your interest extended beyond the European Blocks along the Transvaal border, but I shall bring your representations to the notice of the Secretary of State and will acquaint you with his observations in due course.

I think I ought to mention, however, that so far as the rest of Bechuanaland is concerned, I foresee there may be difficulties—unless, of course, the years."

policy of His Majesty's Government has undergone a change during recent

To which I received this answer:—

"26th October, 1924.

"Your Excellency,

Kindly allow me to thank you for your acknowledgment of mine of 23rd instant in *re* Bechuanaland and Swaziland. I am very sorry that I have not made myself sufficiently clear in respect to the former as to the extent of the Union's present and future interests there. For the present it would perhaps be more correct to speak of the interests of Bechuanaland in the step suggested by me, for it is mainly the cattle question, and also that of native labour from that territory which have appealed to me in coming to the decision of raising the point as to incorporation. It seems to me that unless this takes place the natives of the Territory will have their interests discriminated against by the Union in a manner which may be very prejudicial for both them and us in the future.

In our conversation I mentioned to Your Excellency, I think, the question of railway construction and also that of irrigation. These are not questions of immediate urgency, and therefore afford no present interest for the step contemplated, but it does seem to me that the time is fast approaching when they will have to be seriously considered and that in order to do so it will be necessary to know with some measure of certainty the possible relations of Bechuanaland to the Union. Until that is known, I am afraid, neither irrigation from the north nor railway construction from the west will be looked upon as practical problems.

From the Union point of view, therefore, the question of the incorporation of the European blocks is actually a minor matter.

I regret that I shall not have the opportunity of personally discussing the matter, if necessary, with Your Excellency before my departure, but hope that this may serve as further information."

The further arguments put forward in this letter do not require much consideration. The cattle aspect has already been dealt with at the beginning of this despatch. The native labour question is of no particular importance because the recruiting for employment in the Union of natives who are domiciled north of 22 degrees south latitude is prohibited by the Union Government and a reference to labour statistics shows that the maximum number of Bechuanaland natives employed in the Union in any year since 1910 is 4,774.

General Hertzog admits that irrigation and railway development "are not questions of immediate urgency" and as far as the latter is concerned it will be seen from my despatch Confidential (2) of the 27th instant* that neither the Minister nor the General Manager of the Union railways was disposed to interest himself in, or contribute towards, the survey or construction of the Walvis Bay railway.

I was rather surprised that the General did not also contend that it was impossible successfully to prosecute his locust destruction campaign in Bechuanaland while the Protectorate remained under the Imperial Government. Had he done so I should have had no difficulty in answering such an assertion. An expedition of Union officials, headed by the Under Secretary for Agriculture, has just returned to Pretoria after traversing Bechuanaland and South West Africa to investigate locust breeding grounds in the Kalahari and to suggest methods for combating these pests. In an interview published in the Johannesburg *Star* of the 22nd instant Colonel Williams stated that he was "gratified throughout the trip by the very keen assistance rendered on all occasions by the natives. The chiefs," he said, "are most enthusiastic." In the same interview Colonel Williams remarked that although he had no complaint against the Union farmers as a whole there was a lack of esprit de corps and he had found farmers unwilling to lend their pumps to others when they had finished with them. Moreover members of the expedition expressed the opinion that it was impracticable to attempt to destroy the locusts in the desert fastnesses and suggested that strategic areas should be patrolled to check migration into the Transvaal.

I think therefore that it has been shown that no substantial reasons have been submitted for the transfer of the Administration to the Union and that, except to some extent in the case of the cattle, none of General Hertzog's arguments will survive investigation. It is necessary therefore to look elsewhere for the real motive which has prompted him to ask for incorporation. Personally I am inclined to attribute it to the Dutchman's insatiable appetite for land and to his constitutional inability to see why natives should be allowed to occupy more than is needed to maintain them in labour Colonies for the benefit of white employers. This rather than the system of individual tenure contemplated under the Glen Grey Act is what they understand by segregation. The locust expedition has returned like the spies from Canaan with glowing accounts of excellent pasture lands round Nekate. They describe the Tamalakane River as being full of water and the country in the neighbourhood of Maun (capital of Batawana Reserve) as being "very beautiful and well watered," adding that "large tracts of forest were also encountered." These reports may explain the desire to take over the territory in preference to Swaziland and seem to have some connexion with the "irrigation" schemes referred to by the Prime Minister. At any rate they are certain to excite the cupidity of those in search of cheap land as a step towards the solution of the poor white problem and Ngamiland offers the additional attraction of placing these people at a comfortable distance from the Union. I am afraid that if once European settlement were established on the confines of the Batawana Reserve it would soon become difficult to resist a demand for the exploitation of the "very beautiful and well watered" country inside the reserve.

The Nationalist party represents that section of the population of the Union which in the past has shown little or no regard for the native's claims to land. Fortunately his interests have been safeguarded to some extent by the benign influence of the Imperial Government and to a lesser degree by that of the English section of the European population. In the Cape and Natal largely owing to the British influence valuable land rights and reserves have been conceded to the natives principally in the Transkei, Pondoland and Zululand. But in the Orange Free State and the Transvaal little or nothing has been done to provide land for the natives and secure it to them by statute. There are only three very small native reserves in the Orange Free State and in the Transvaal there are practically no areas worthy of that description. Under the Native Land Act a tardy attempt was made to remedy this state of affairs but the recommendations of the Beaumont Commission have been to all intents and purposes shelved.

The same contrast between the Cape and Natal, where British influence has made itself felt, and the Free State and Transvaal, where Dutch methods predominate, is noticeable in respect of native education. In the Cape there are

* 54250/1924: not printed.

fourteen institutions which provide what is known as higher education for natives, in Natal there are seven, but in the Transvaal and Free State combined there are only five.

I would in conclusion suggest that General Hertzog be informed, on the lines of Lord Milner's telegram quoted above, that if he is anxious to pursue a policy of absorbing the High Commission territories into the Union he should begin with Swaziland, and that His Majesty's Government is unwilling to consider the incorporation of Bechuanaland until sufficient time has elapsed to judge the result of that experiment in the light of its reception by the Swazis and its effect upon their welfare. It might at the same time be explained that a similar answer was given to Generals Botha and Smuts when they approached the Imperial Government on this question and that in this respect His Majesty's Government is not showing any discrimination or questioning the Hertzog Government's fitness to administer the territories, but is merely pursuing a policy to which it has all along been pledged and which the House of Commons demanded when they agreed to the inclusion in the South Africa Act of those provisions affecting the ultimate destiny of the three High Commission territories involved.

If this suggestion meets with your approval, and if General Hertzog still wishes to take over the administration of Swaziland, I presume that before any public announcement is made the Resident Commissioner will first be given an opportunity of communicating to the Swazi nation the contemplated transfer and of informing them that, in accordance with the promise given to the deputation which recently visited England, they will be granted an interview with the High Commissioner should they have any further representations to make.

I have, &c.,
ATHLONE.
High Commissioner.

55124

No. 21.

SOUTH AFRICA.

THE HIGH COMMISSIONER to the SECRETARY OF STATE.

(Received 25th November, 1924.)

(Very Secret.)

High Commissioner's Office, Cape Town, 7th November, 1924.

SIR,

IN my despatch Very Secret of 29th October,* I described on page 12† an interview between the Minister of Justice (who on this occasion also represented General Hertzog in his capacity of Minister for Native Affairs) and a Conference of representative natives convened under the Native Affairs Act for the purpose of considering certain changes in native administration contemplated by the Government.

The Minister of Justice in referring to the "Segregation" policy usually associated with the name of the Prime Minister said that General Hertzog would lay his proposals before the House during the next Session of Parliament. He added that he was not then in a position to give any forecast of the general lines on which the future native policy of the Union would be based.

The "Standerton" flogging case which ended fatally for the victim (a native girl) and which is briefly described on page 13† of my despatch under reference has elicited protests from many Europeans in addition to provoking the indignation of the natives. Some correspondence on the subject took place between the Bishop of Bloemfontein and the Minister of Justice which, with the exception of the initiating letter from the Bishop, was published in the Press. The Imperial Secretary wrote to Dr. Carey asking for a copy of his first letter to Mr. Roos, at the same time inviting him to submit any observations on the question which he might feel disposed to make. The Bishop's reply contains the substance of his opening communication and I now enclose a complete record of the correspondence together with a leading article on it, entitled "Justice for the Native" which subsequently appeared in the *Cape Times*.

It will be seen from this interesting exchange of letters that the Bishop made a very moderate protest against the unfairness of having recourse to the jury system in cases between Europeans and natives. Mr. Tielman Roos admitted that a mis-

* No. 20. † *See* page 28.

carriage of justice frequently occurred when European juries tried these cases but he held out no hope that the Government would substitute judicial courts. On the contrary he stated that he was definitely averse to any alteration and was content to rely upon "a gradual change of public opinion" to effect the necessary reform.

This particular case has aroused unusually bitter resentment amongst the natives, whose animosity towards the Government has also been excited by the Railway Department's policy of retrenching native labour in order to provide employment for Europeans. I enclose a report, 4th November, from the *Cape Times* indicating the hostile attitude of the natives towards this policy and it is significant that the recent railway disaster at Fortuna and minor outrages on other lines are attributed to discontented natives.

The Minister for Labour addressed the Pretoria Native Conference on the retrenchment policy and I enclose a Press report of his statement. Colonel Cresswell explained that the Government's action was dictated by the need to provide work for unemployed Europeans and he argued in a very unconvincing way that in doing so they were considering the interests of the native as well as those of the European. The native replies to the Minister are interesting because they emphasize the fundamental principle governing the satisfactory solution of the native problem in the Union—I refer to the necessity of providing more land for the natives. Native Thema pointed out that even in the Cape Colony only 3,000 square miles out of a total of 260,000 square miles were in the possession of natives. Dr. Roberts, of the Native Affairs Commission, dwelt at great length on the evils resulting from the drift of natives to the towns and urged them to co-operate with the Government in its efforts to control and if possible reverse this movement by the application of the Urban Areas Act. This measure would unquestionably prove a useful means of regulating native administration in the cities and would no doubt bring about improved conditions in those places, but Dr. Roberts ignores the fact that the drift of natives to the towns is mainly due to the fact that there is no land in the country districts upon which they can subsist, and for this obvious reason they are compelled to seek industrial employment in order to obtain a livelihood. From the enclosures to this despatch it will be seen that the Government proposes to levy a tax of £1 per head on all natives over 18 years of age irrespective of their occupation or domicile and a further sum of ten shillings per annum will be demanded as quit rent from all natives ordinarily residing in a native reserve or location. The one pound tax is expected to produce £1,150,000 of which four-fifths will be appropriated by the Government for general administrative purposes while the remaining fifth is to be spent entirely on the natives and will in the first place be devoted to agricultural education so as to encourage intensive methods of agriculture in order to make the most of the limited areas of land reserved for the natives. The ten shillings tax is to be spent on local requirements and as far as possible each area will benefit in proportion to the amount contributed.

But although the Ministers and Officials present propounded to the Conference various schemes for checking the influx of natives into the towns, encouraging them to return to rural life, improving their methods of cultivation, making provision for retrenched labourers, not one of them said a single word about providing more land for either communal or individual tenure. I feel sure that it will be extremely difficult to induce the Government to disgorge sufficient land to meet even the barest possible requirements of its natives. General Hertzog has, it is true, given specific reasons for his desire to incorporate Bechuanaland in the Union, but I am inclined to suspect that the real motive has not been divulged. It is more than probable that he wants it in connexion with his new segregation policy in order to provide land for Union natives who have been retrenched from industries or to whom he is not prepared to allot Crown land in the Union. I think, therefore, that in the interests of the natives it would be advisable to withhold Bechuanaland in order to force the Government to set aside adequate reserves in those parts of the Union where they are now urgently needed and where the demand will become even greater as segregation proceeds. Moreover, it has to be remembered that the natives of the Protectorate are profoundly conscious of their national entity and are staunch adherents to tribal government and communal tenure. I am sure that an influx of natives from industrial centres in the Union would prove extremely detrimental to their interests and subversive of their morality unless the process of settlement and

absorption took place very gradually and under the careful supervision of officers who enjoy their confidence.

I do not wish in this despatch to convey the impression that I am opposed absolutely to the transfer of the High Commission Territories. On the contrary I realize that since Union it has been recognized by the South African people and their statesmen and has been accepted by His Majesty's Government that amalgamation with the Union Administrative system is inevitable sooner or later. That this is their ultimate destiny I do not wish for one moment to dispute. The only point to be decided is when the psychological moment for effecting the transfer of the territories arrives and whether they are to be transferred individually and at intervals or simultaneously *en masse*.

The attached Press reports indicate very clearly that fundamental changes in native policy and administration in the Union are imminent and the prospect has aroused considerable uneasiness in the minds of even the Union natives, who are apprehensive and restless. The tranquillity of the High Commission natives will quite naturally be disturbed to an even greater extent if the question of their transfer is mooted at this juncture and I am convinced that the present moment, when the whole native policy of the Union is in a state of flux, is not a suitable time to consider the transfer of even Swaziland, which, in my opinion, should precede that of Bechuanaland by at least two or three years.

If you approve of the reply to General Hertzog suggested in the penultimate paragraph of my despatch Very Secret of the 29th October,* I would propose also to inform the Prime Minister that a further delay in the transfer of the territories will give him time to reassure the High Commission natives by showing them how his segregation policy works out in practice and of convincing them by experience that they can rely upon benevolent treatment within the Union irrespective of the party in power or of the native policy it may favour.

I have, &c.,
ATHLONE,
High Commissioner.

LIST OF ENCLOSURES.

4th November.
Letter from the Bishop of Bloemfontein giving the contents of his letter of 17th October to the Union Minister of Justice.

30th October. *Cape Times.*†
Text of letters from Minister of Justice to the Bishop of Bloemfontein and Doctor Carey's reply.

4th November. *Cape Times.*†
Leading Article "Justice for Natives."

27th October. *The Star,*† Johannesburg.
Report of opening at Pretoria of Native Conference convened by the Government—speech by Minister of Justice.

28th October. *The Star,*† Johannesburg.
(1) Leading Article "The Native Conference."
(2) Report of further proceedings at the Pretoria Native Conference—Taxation proposals.

29th October. *Cape Times.*†
Leading Article "Native Taxation."

29th October. *The Star,*† Johannesburg.
Report of further proceedings at the Pretoria Native Conference—Labour policy; speech by Minister of Labour.

3rd November. *The Star,*† Johannesburg.
Leading Article "Native Taxation."

4th November. *Cape Times.*†
Report of meeting of natives at Ndabeni (Cape Town) and text of resolutions regarding native labour policy and taxation.

30th October. *The Star,*† Johannesburg.
Report of opening at Johannesburg of a "national conference" on native affairs—address by Senator Dr. Roberts, member of Union Native Affairs Commission.

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* No. 20. † Not reprinted.

Enclosure 1 in No. 21.

c/o The Archbishop, Bishopscourt, Claremont, C.P.,
4th November, 1924.

MY DEAR CAPTAIN CLIFFORD,

I AM sorry that my original letter to Mr. T. Roos had no copy made but I can give you the contents.

"My Chapter has asked me to write to you re the Standerton case. I do not myself put all the weight on this case that some speakers have done as I understand that the actions of the accused were brutal but not intentionally homicidal.

But what disturbs us is the frequency of this sort of thing so that it can truly be said that there is one sort of justice for white men and another for natives. This is said and widely acknowledged as true by English and Dutch alike.

I grant that identity of sentence is not always equitable as between white and black, as a month's sentence to a white man and a month to a black man are very dissimilar in severity and the more refined nature will feel it far more. Yet the disparity of sentences on black and white for similar offences is often so marked as to lead to much uneasiness.

We recognize that ultimately public opinion is responsible in these matters, but urge that the Department can do much to strengthen what is best in public opinion and therefore trust that you will consider possible ways —such as the substitution of trial by Judge alone instead of by Judge and Jury—to bring about a more equitable state of things in South Africa."

This is what I wrote almost exactly and it met with the civil and sympathetic answer which I printed with Mr. Tielman Roos' consent.

I thought it better to treat the whole matter in a moderate way as it leads as a rule to better results although the previous fuss (though overstated as regards the Standerton case in isolation) probably did a great deal of good by ventilation of the subject.

You also ask for "observations." These I will give you—*privately*.

(1) My conviction is that the *average* (not all) Dutchman still believes in sjambok-rule—the average Englishman does not, although we have brutal Englishmen occasionally. I have no hesitation in saying that the Englishman is ultimately right, if you regard (as I do) the native as a child-race for which we are in trust.

Moreover, most Englishmen do not beat women or hit those who cannot hit back. I hold they are right and we need not be ashamed of a good tradition in the English race.

The average English *gentleman* knows how to handle natives instinctively—I find that everywhere.

(2) It can be taken for granted that even—or relatively even—justice between black and white does not obtain.

I instance a very bad case near Vrede about two-and-a-half years ago (Colonel Trollope, late of Vrede and now of Harrismith, can give all details as he was magistrate) that a native was very brutally assaulted and his jaw broken, but no lawyer in Vrede would take up the case (although they offered to prepare a case *privately*) on the ground that they *dare* not take up a case for a black v. a white.

(3) I hope from my heart that proposals to hand over Basutoland to the Union will be resisted or most carefully safeguarded, as under English rule the territory, though *too stagnant* and in need of a Cecil Rhodes for 20 years, is kindly and paternally administered, and the natives under men like Sir Edward Garraway are free and happy and *gentlemen*. I would loathe to see them sjamboked or bullied and lose their air of freedom and honourable independence. Hands off Basutoland, say I.

(4) I think that we are doing a great wrong to the natives in the Cape by:—
(1) The ease with which they get liquor.
(2) The abominable stuff they are able to get.

My remedy—which is honest and could be enforced—would be:—
(1) Firm administration of Adulteration Law, which at present is a dead-letter I hear.
(2) Ultimate control and sale of good liquor by the State.

Here fanatical teetotallers are a curse, and (in practice) in league with the sellers of rotten liquor. For they will do nothing to *improve* things but hold out

for prohibition only. As they cannot get that, they refuse to improve things. Yet in spite of this I do think Government should enforce the Adulteration Law.

(3) Ultimate abolition of the rotten "tot" system. But this is not really so badly needed as *No.* 1.

These reforms and a reorganization of justice so as to have less disparity between sentences for similar offences as between black and white would (to my mind) begin a better state of things.

Here are my rather heart-to-heart observations, and I wish to God there was some chance of getting them in practice.

From the point of view of exploiting cheap labour and child psychology I think we are doing very naturally; from the point of view of trusteeship for child-races I think we ought to be ashamed of ourselves—at least I am.

Yours most sincerely,

WALTER BLOEMFONTEIN.

58648

No. 22

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 2.5 a.m., 15th December, 1924.)

TELEGRAM.

[*Answered by No.* 23.]

(Paraphrase.)

14TH DECEMBER. A deputation of the European residents of the Bechuanaland Protectorate was received on 10th December by the Prime Minister of the Union of South Africa. Deputation consisted of Tranmer, Vickerman, Marnevick, Transfeldt, of whom first two are members of the European Advisory Council.

In urging incorporation of the Protectorate in the Union, deputation is said to have stated that there were 110,000 square miles of unoccupied Crown land in the Protectorate which would be available for farming venture including sheep and cattle raising, etc., that territory had no public debt and that revenue and expenditure balanced. That area was highly mineralized; and that favourable tract of the Protectorate would have to be crossed by any railway to South West Africa.

Subsequently the Prime Minister's department issued the following statement: "General Hertzog informed a deputation from Bechuanaland, which waited on him on Wednesday to request that steps should be taken for the incorporation of that territory within the Union, that he considered that the time had arrived for considering incorporation of Bechuanaland, also Swaziland, in the Union.

Such a step he considers would be in the interests of both the Union and those territories, but meanwhile feelings of the British Government will have to be ascertained, and General Hertzog is taking steps to obtain their views."

It was subsequently stated by *Star*, "Learn on good authority that negotiations on incorporation question have already commenced between Union Government of South Africa and Colonial Office."

A separate newspaper report has also appeared in Transvaal press to the effect that the Union Government of South Africa contemplate introduction during next session of Parliament of a Bill dealing with native policy and that provision for removal of native tribes from one area to another and provision for bringing different sections of native tribes together is one of the points under contemplation. To what extent this newspaper report may be true I do not yet know, but such a provision might be very significant (see page six of my Very Secret despatch of 7th November*).

It has all along been contemplated by His Majesty's Government that before any public announcement was made on the question of transferring a High Commission territory, Resident Commissioner should explain the contemplated change to the natives concerned and give them an opportunity of expressing their views even if there was little prospect of their arguments influencing a decision. The recent Swazi deputation to England received a definite assurance to this effect.

* No. 21.

I think it most unfortunate therefore that an intimation that the question of transferring any High Commission territory is under consideration should reach natives through the medium of a statement in the Press.

It is difficult to resist the conclusion that a premeditated attempt is being made to force the Imperial Government's hand.

One effect of this premature announcement may be to arouse antagonism among the natives which if it had been left to the High Commissioner to notify them in the first instance might have been avoided. In the event of a transfer being decided upon resistance on their part would make the position of His Majesty's Government difficult when the time came to consult the House of Commons. Announcement will also prejudice any attempt to negotiate with the British South Africa Company in respect of its mineral and preferential rights.

I consider that it would be discourteous at any time for Prime Minister to receive such a deputation without first consulting the High Commissioner, but as the question is at present the subject of confidential negotiation with you and bearing in mind the warning contained in the last paragraph of my private letter to General Hertzog of 25th October, see my Secret despatch of 29th October,* I regard the public announcement at this juncture as culpable breach of confidence. I hesitate to conjecture what the Union Government would have to say if the High Commissioner interviewed a deputation of Union natives who wished to join the Protectorate.

I may also mention that only a few days ago I had to protest against the conduct of General Kemp, Ministry of Agriculture, who passed through the Protectorate, and without consulting the Resident Commissioner or even giving notice of his visit took it upon himself to issue instructions to the Protectorate Officers concerning the destruction of locusts. He also made inquiries about the prospects of cutting the land up into farms, and intimated that he meant to open up the country.

I have remonstrated with the Prime Minister for failing to consult me before receiving the deputation and for making a public announcement at this juncture.

When I return to Pretoria next Friday I will advise the Prime Minister (1) To confide to me the outlines of his native policy and to explain the main provisions of the native legislation he proposes to introduce next session and also to indicate whether and in what way the Imperial Protectorates would be affected in the event of their transfer. (2) Whether his Government has any schemes for the development of the Protectorates, and, if so, what forms such development would be likely to take. I will also emphasize the importance of consulting me before taking any action or making further public announcements concerning transfer of Protectorates. —ATHLONE.

58648

No. 23.

SOUTH AFRICA.

THE SECRETARY OF STATE to THE HIGH COMMISSIONER.

(Sent 5.50 p.m., 17th December, 1924.)

TELEGRAM.

[*Answered by No.* 25.]

(Paraphrase.)

SECRET. 17th December. I quite agree that Hertzog's action reported in your telegram of 14th December† is most embarrassing, and I am glad that you have remonstrated with him. The position as it stood when you wrote your valuable reports of 29th October and 7th November‡ is, of course, very materially altered by the announcement and the public discussion to which it has given rise.

I was about to ask you for any further observations you might have to offer in the changed circumstances which *inter alia* make it necessary to consider question on basis that our attitude will have to be defined in form suitable for publication. Should be glad after you have seen Hertzog to have these observations, but until I have had an opportunity of going more fully into whole situation I think it would

* No. 20. † No. 22. ‡ Nos. 20 and 21.

be desirable to leave over question of asking for information as to the application to the Protectorates of his native legislation or his schemes for their development. I suggest, however, that it might be well for you to mention (1) our pledge to consult House of Commons before any order for transfer is made, (2) Sobhuza's appeal to the Privy Council which challenges whole land settlement in Swaziland, (3) the preferential rights of the British South Africa Company as regards both minerals and Crown lands in Bechuanaland Protectorate.—AMERY.

59267

No. 24.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 11.0 p.m., 17th December, 1924.)

TELEGRAM.

(Paraphrase.)

17TH DECEMBER. My telegram of 14th December,* Swaziland and Bechuanaland Protectorate. Reuter's telegram from London has been published here to the effect that it has been stated by the Colonial Office that the Government of the Union of South Africa has not approached the Imperial Government regarding the transfer. Whether or not it is true that any statement in London has been made I think that the announcement as published here will probably ease the position for the Prime Minister, and I do not propose to contradict it. Leading articles have been published in the principal newspapers of the Union against the transfer at the present moment, more especially when the native policy to be adopted in the Union is in a fluid state and is giving rise to discussion and is causing certain amount of unrest among the Union natives. The Press takes the line that His Majesty's Government will in the first instance consider the interests of the natives.

No reference has been made by the Prime Minister to the question of consulting the natives with a view to ascertaining their present attitude towards the transfer, and he seems to have had in mind only the interests of the Europeans, who in the Bechuanaland Protectorate number only 1,700 as against 150,000 natives. Protests from Swaziland, the Bechuanaland Protectorate and Basutoland are appearing in the Press, notably one from Sekgoma, with whom a newspaper representative has had an interview.

I suggest that when settling the terms of the reply to General Hertzog you might consider whether mention might not be made of expediency of ascertaining the views of the natives concerned as to the transfer in the near future.

Pending your decision as to the reply to be sent to the Prime Minister I should be very grateful for early indication, not for communication to General Hertzog but for my personal information, of the attitude which is likely to be adopted by His Majesty's Government. Such an indication would be very helpful to me as a guide in any future conversations with the Prime Minister.

I am sending by this week's mail copies of the Press reports and comments. ATHLONE.

60080

No. 25.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 7.30 a.m., 24th December, 1924.)

TELEGRAM.

[Answered by No. 28.]

(Paraphrase.)

SECRET. 22nd December. Your telegram 17th December.† Before I saw Hertzog interview with prominent Nationalist politicians was published by *Rand Daily Mail*. Names were not disclosed, but it was alleged that these politicians

* No. 22. † No. 23.

enjoyed the confidence of Ministers, and it was claimed that their views correctly reflected attitude and policy of the Government. It was maintained by these authorities that the Prime Minister had merely expressed his sympathy with the deputations that urged transfer of Territories and indicated as his own personal view that the time was ripe for "considering" question of sounding the British Government. No undertaking was given as to the time and manner in which the British Government would be "sounded." It was also stated by informants "we want no unwilling partners in the Union. If there is any serious opposition in Native Protectorates to the proposal to join the Union from any responsible quarter we will not cajole or coerce them. It is a matter that the white people of both Territories must decide for themselves. The Imperial Government may be trusted to look after the interests of the natives, and it is, of course, with the Imperial Government that the last word lies." Informants further stated that they understood that steps had already been taken to ascertain views of His Majesty's Government, but process of arranging transfer would be lengthy one. They asserted that there was no question of subject being raised during the coming session though no doubt if questions were asked Government would make a statement as to how far sounding process had progressed. Hertzog when questioned by the Imperial Secretary agreed that above statement represented his views in most respects. Opposition of Union papers had obviously surprised him and he protests that he has only expressed his personal opinion, and that if there were any opposition from the British Government has no desire to press question. He seems inclined at the present moment to leave the whole question in abeyance, and in these circumstances I naturally did not ask him for any information about his native policy or concerning his plans for development of Territories in the event of transfer. I again reminded the Prime Minister of obstacles which confronted the British Government and explained that even if you agreed with his view that the time had arrived for considering the transfer you would have still to secure the approval of the House of Commons, which will be more difficult now that his premature announcement has provoked a Press campaign against the transfer both here and in the United Kingdom that is bound to influence the views of members.

I also pointed out that his action is likely to arouse native opposition, which if he had consulted me might have been avoided, and that he has embarrassed both himself and you by disclosing unnecessarily ambitions which at any rate for some time to come he may not be able to realize. He protests that he is not asking for territories but merely expressing personal opinion that time is ripe for "considering" question of transfer and at the same time inviting the British Government to give him benefit of its views on this point. He even went so far as to declare that Reuter was substantially correct in reporting that Union Government had not approached Colonial Office, arguing that he had merely acquainted you with his own opinion. Personally I find it difficult to reconcile this argument with his letters to me though I admit that he employs word "consider" throughout. Nevertheless, this interpretation indicates the lines on which public announcement might be made. With your approval I propose to try and persuade Hertzog to issue statement to the effect that—

> *Begins:* Imperial Government has not been asked to come to any decision on the question of the transfer of Bechuanaland and Swaziland Administrations; that so far he has done nothing more than express to Mr. Thomas his personal belief that time is approaching when views on the question might be informally exchanged with advantage; that similar informal suggestion was made recently to present Colonial Secretary; that Union Government realizes that there are many difficulties to be surmounted (and recognizes that Imperial Government is pledged to consider views of all of the inhabitants and to consult the House of Commons) before any negotiations can be initiated; that Union has no desire to secure transfer of any territory except by mutual agreement with all parties concerned and finally that unless there is good prospect of such agreement being reached consideration of the question will be indefinitely postponed. *Ends.*

Propose to omit words in brackets if you agree. If statement on above lines can be obtained need for any public announcement by British Government would be obviated, which would I think be decided advantage in the circumstances.—ATHLONE.

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Propose to omit words in brackets if you agree. If statement on above lines can be obtained need for any public announcement by British Government would be obviated, which would I think be decided advantage in the circumstances.—ATHLONE.

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your views on the question of the transfer of Swaziland and will endeavour to induce him to make an announcement early in February on the lines agreed upon. Prime Minister's interview with Swaziland deputation forms the subject of despatch* which should reach you on 2nd February, but the position is not materially affected by the discussions which took place.—ATHLONE.

5227

No. 30.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 3rd February, 1925.)

(Swaziland.)
(Confidential (2).)

SIR, High Commissioner's Office, Cape Town, 9th January, 1925.

I HAVE the honour to enclose herewith a copy of a despatch from the Resident Commissioner of Swaziland asking that the Prime Minister of the Union be requested to receive a deputation from the Advisory Council in order to afford its members an opportunity of expressing their views before any preliminary steps were taken for the transfer of Swaziland to the Union.

2. General Hertzog was accordingly approached and an interview was arranged with him at 11 a.m. on 6th January. The Deputation which arrived early that morning comprised Mr. I. H. Pierce, Mr. A. Millin, and Mr. Maritz, a Dutch farmer from the Hlatikulu district. They called upon me at Government House at 10 a.m.

3. Mr. Pierce explained that the Council had been influenced to seek an interview with the Prime Minister on account of the reports which had appeared in the Press intimating that the Union Government proposed to approach the Secretary of State in order to ascertain the Imperial Government's views as to the expediency of transferring the Administration of Swaziland to the Union. The conversation which they proposed to have with General Hertzog would, he stated, be an entirely informal exchange of opinion, and he asserted their determination to confine their remarks to matters affecting the European population and to refrain from any reference to questions affecting native interests.

4. They intended, proceeded Mr. Pierce, to explain to the Prime Minister that the principal attraction which Union would have for the European settlers would be railway and road development. They proposed therefore to ask General Hertzog if he could—

(*a*) Give any undertaking as to how soon, after the Secretary of State had signified his intention to grant transfer, railway development would be initiated and the direction in which it might be expected to proceed;

(*b*) Give any indication of the amount likely to be spent annually on development in Swaziland for a given number of years;

(*c*) Be prepared to reserve for expenditure on the Territory certain outstanding assets from Crown Lands, etc.;

(*d*) Arrange for the amendment of the Schedule to the South Africa Act so as to give Swaziland equal political status with the rest of the Union and separate Member of Parliament.

5. I suggested that (*c*) should be submerged in request for a fixed subsidy over a period of years such as General Smuts promised Rhodesia when negotiating for the incorporation of that Colony.

6. With regard to (*d*) Mr. Pierce explained that under the Schedule Swaziland would be governed by Proclamations which need not be submitted to Parliament until after they were actually promulgated and had become law which he contended would mean government by Cabinet and not by Parliament. I replied that the rigid party system prevailing in South Africa ensured that for all practical purposes Cabinet did in fact "govern" the Union and that much important Union Legislation was actually enacted by Proclamation. I said I thought there was nothing in the Schedule to the South Africa Act to prevent Swaziland returning a Member of Parliament who could use his influence to secure discussion of all Swaziland Proclamations when they were tabled. I added that considerations

* No. 30.

existed which at any rate for some time to come might influence the Imperial Government to resist any proposal for the amendment of the Schedule, even though it deprived Europeans of certain sentimental privileges associated with parliamentary government.

7. After the interview the Imperial Secretary took the Deputation to the Government buildings and introduced them to the Prime Minister. General Hertzog suggested to Captain Clifford that he should attend the discussion, but he excused himself, at the same time thanking the General for his courtesy.

8. Subsequently, Mr. Pierce gave an account of what took place at the interview. General Hertzog, he said, expressed a desire to concede all three requests ((*c*) having been omitted as suggested by me), but he pointed out that he had not consulted the Minister for Railways and could therefore give no undertaking. He believed, however, that the Somkele-Pongola Railway would be pushed on to Komatipoort as soon as possible after transfer had been sanctioned.

9. General Hertzog appears to have promised to ask Parliament for a separate Member for Swaziland and expressed himself in favour of the suggested amendment of the Schedule to the South Africa Act. On the question of the subsidy he appears to have assured Mr. Pierce of generous treatment subject to sanction by Parliament, but he declined to indicate any specific figure.

10. The Deputation went away very satisfied, but I concluded that General Hertzog had promised nothing without reservation, and it is difficult to see how he could have acted otherwise.

11. I understand that another deputation from Transvaal settlers along the Swaziland border will wait upon the Prime Minister on the 10th of January* to farmers in this vicinity exercise grazing rights in Swaziland and own land on both sides of the border. Mr. Maritz, the Dutch member on the Advisory Council Deputation, contended that many Union farmers hesitated to develop their Swaziland properties while the form of government of the territory remained undecided.

12. I enclose Press statement which was inspired from my Office in order to forestall one from the Prime Minister's Office, but General Hertzog's Secretary had previously promised to give no indication of what actually took place at the meeting.

I have, &c.,
ATHLONE,
High Commissioner.

Enclosure 1 in No. 30.

(Confidential.)
(Swaziland.)
(No. 398.)

Resident Commissioner's Office, Mbabane, Swaziland,
15th December, 1924.

MY LORD,

I HAVE the honour to submit a copy of a Resolution which was unanimously adopted at the recent Session of the European Advisory Council asking that the Honourable the Prime Minister of the Union be requested to receive a deputation from the Council to give its members an opportunity of submitting their views before urge him to secure the transfer of Swaziland to the Union. Many Transvaal any preliminary steps are taken for the transfer of Swaziland to the Union.

2. I anticipate that the principal points the deputation would wish to discuss would be those dealt with by the deputation which had an informal interview with General Smuts, the then Prime Minister of the Union. (See Mr. Honey's Confidential despatch No. 38 of 24th January, 1922.)

3. I am directed by Mr. Honey to say that he recommends the request of the Council for favourable consideration. If Your Excellency sees no objection to such a course, I shall be glad if steps could be taken to ask General Hertzog to receive the deputation of the Council at an early date convenient to himself.

I have, &c.,
B. NICHOLSON,
For Resident Commissioner.
(Absent on duty.)

Major-General His Excellency
The Right Honourable
The Earl of Athlone, G.C.B., G.C.M.G., G.C.V.O., D.S.O., A.D.C.,
High Commissioner for South Africa.

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* See enclosure in 5111/1925: not printed.

RESOLUTION.

Incorporation of Swaziland into the Union of South Africa.

IN view of—

(*a*) The position of Swaziland under the Schedule to the South Africa Act,

(*b*) The revived public references in the Union to the incorporation of Swaziland,

(*c*) The change of Government in the Union since a deputation from the Swaziland Advisory Council informally discussed the prospective incorporation of the territory with the then Prime Minister of the Union,

(*d*) The close geographical, political and economic association between the Union and Swaziland,

Members desire:—

(1) That the Honourable the Prime Minister of the Union Government be acquainted through Your Honour with the Council's view that there are a number of important matters of common interest that can be discussed to mutual advantage by the Head of the Union Government and representatives of the Swaziland Advisory Council before any steps are taken preparatory to incorporation.

(2) That the Honourable the Prime Minister of the Union Government be asked for his consent to receive a deputation from the Council hereanent before preliminary steps to incorporation of the territory are put in hand.

Enclosure 2 in No. 30.

The Star, 7th January, 1925.

THE FUTURE OF SWAZILAND.

Deputation in Pretoria.

IT is understood that at the request of the Resident Commissioner of Swaziland His Excellency the High Commissioner granted an audience at Government House yesterday to a deputation from the European Advisory Council of Swaziland, states our Pretoria representative.

Subsequently, it is understood, the Imperial Secretary arranged an appointment for them with the Prime Minister, General Hertzog, and at the interview, it is gathered, an informal exchange of opinion on the future of Swaziland took place.

It is interesting to recall that there was a similar interview arranged by Prince 'Arthur of Connaught while High Commissioner with General Smuts in 1922.

No official details of the proceedings are available, but it is assumed that the deputation were influenced in seeking an interview because of recent newspaper reports and comments about the future of the Protectorate.

5351

No. 31.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 5.37 p.m., 3rd February, 1925.)

TELEGRAM.

[*Answered by No.* 38.]

(Paraphrase.)

SECRET. 3rd February. Bechuanaland Protectorate and Swaziland. Your telegram 19th January* and my reply of 22nd January.†

Have induced Hertzog to accept indefinite postponement of transfer of Bechuanaland Protectorate to Union. He has agreed also to defer temporarily transfer of Swaziland and I have persuaded him to publish the statement on lines suggested in my telegram 22nd December,‡ with modifications recommended in your telegram 19th January.*

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* No. 28. † No. 29. ‡ No. 25.

I am communicating to you in separate code telegram,* text of this announcement which will appear in South African Press to-morrow morning. I think that if Sobhuza appeal is satisfactorily decided Hertzog may raise the question of Swaziland again next year, but I have warned him that you will, in accordance with pledges, first wish to consult all sections of the population and give an opportunity to the Imperial Parliament of discussing the proposals.

I have also explained to him that even when His Majesty's Government accept principle of the transfer considerable interval must elapse before essential formalities can be complied with and final details settled. I suggested, however, that once His Majesty's Government had conceded principle you might agree to extension of Union railway projects into Swaziland without delaying until change in administration had been finally completed.

Prime Minister requests that you will not agree to hand Tati over to Rhodesia before you are prepared to reconsider transfer of Bechuanaland Protectorate to the Union. Regard this as reasonable demand because to give Rhodesia Tati after refusing Union's request for Bechuanaland Protectorate would be interpreted as rebuff to Hertzog. I think, however, that request should be conceded on the understanding that if European blocks along Transvaal border were offered to Union His Majesty's Government would be absolved from further obligation.—ATHLONE.

5378

No. 32.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 4.26 p.m., 3rd February, 1925.)

TELEGRAM.

3RD FEBRUARY. Following is text of the announcement which will be published in the South African Press to-morrow:—

Begins: Recent deputations to the Prime Minister from the European inhabitants of Swaziland and Bechuanaland having aroused considerable public interest in the political future of these territories the Union Government has thought it advisable to make the following statement of the position.

The Imperial Government has not been asked by the Union Government to come to any decision on the question of the transfer to the Union either of the Bechuanaland Protectorate or Swaziland administration. The Prime Minister has so far done nothing more than express to Mr. Thomas his personal belief that the time is approaching when views on the question might be informally exchanged with advantage and after present British Government assumed office Mr. Amery was acquainted with the suggestions that had been made to his predecessor.

The representations which the deputations have made to the Prime Minister will be borne in mind but the Union Government feels that there are many important considerations which will require careful study before any negotiations with the Imperial authorities can be initiated. The Union Government does not in any event intend to ask for the transfer of either territory at present nor will question so far as they are concerned be raised during the forthcoming session of Parliament. *Ends.*

—ATHLONE.

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* No. 32.

6361

No. 33.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 10th February, 1925.)

(Swaziland.)
(Secret.)

SIR, High Commissioner's Office, Cape Town, 23rd January, 1925.

IN continuation of my despatch Confidential of the 9th January,* I have the honour to enclose herewith an advance copy of a report by the Deputation from the Swaziland Advisory Council upon its recent interview with the Prime Minister of the Union.

2. In forwarding these documents unofficially to the Imperial Secretary, Mr. Pierce explained that the report (which was apparently drawn up by himself) was "subject to amendment and revision by other delegates." In view, however, of the preponderant influence which Mr. Pierce exercises over the Council, I do not anticipate that alterations of any significance will be effected.

3. It will be noticed that the report lays great stress on the alleged necessity for amending the Schedule to the South Africa Act. On page 16 of my despatch Very Secret of the 29th October† I expressed very emphatically my views on this question, and you will see from my despatch of the 9th instant referred to above that I warned the Deputation, before it saw General Hertzog, against fostering hopes that the Imperial Government would consent to relax, rescind or modify any of the provisions of the Schedule until some years after transfer to the Union had been effected. Government by Proclamation may in theory appear inconsistent with the political privileges conferred by Parliamentary representation, but in practice the European inhabitants would endure no hardships and suffer no injustice through the application of the Schedule to Swaziland. Native interests, on the other hand, might be substantially affected by any interference with the form of administration already prescribed for the Territory. The Imperial Government will expect to be consulted in regard to the personnel of the Commission contemplated under the Schedule and to this Commission the Prime Minister is required to refer all legislation to be enacted for the government of the territory. Without this safeguard Union legislation would presumably apply to a territory automatically, and without regard for native interests or prevalent conditions.

4. Mr. Pierce complains that the European settlers in Swaziland had no representative at the National Convention which accepted the Schedule on their behalf. For the matter of that neither had the natives, and it has to be remembered that although they only possess one-third of the land they comprise an overwhelming majority of the inhabitants. The interests of both sections were present in the minds of the statesmen who were responsible for the South Africa Act. In his commentary on the Union Constitution the Honourable R. H. Brand (Secretary to the Transvaal Delegates to the Convention) referring to the Imperial Government's obligations under the Schedule says: "It (the Imperial Government) has recognized that when the day of transfer comes there must be no sudden transition in the form of Government. The place of the High Commissioner will be taken by the Prime Minister assisted by a Commission. . . In all probability the existing form of administration will continue almost unchanged. All native authorities are agreed in the opinion that personal government of some form or other affords the best hope of a successful administration of native territories. A native cannot understand why his rulers should be constantly changing as they do under responsible government. He has no sooner learned to look up to one man as his ruler than he finds another in his place. The Commission will give the new form of government the very necessary characteristic of permanence. . . It is quite possible that some time may elapse before the transfer of any of these territories. Before any such step is taken, the Imperial Government will have to be clear that it is desirable. But eventually it must be taken, and when that day comes, the provisions of the Act will fully safeguard the interests of the natives."

* No. 30. † No. 20.

5. The present Government of the Union has announced its intention to introduce radical changes in the native policy pursued by its predecessors. This policy has not yet been disclosed, and even after it takes legislative form it has yet to be seen how it will operate in practice, and how it will be accepted by the Union natives.

6. But so long as the Schedule is maintained Union legislation cannot be applied to Swaziland except by Proclamation issued, presumably, after consultation with the Commission. This procedure would enable the Commissioners to protest against the application to the territory of any Act of Parliament they might consider detrimental to the welfare of the Swazis. Alternatively they might delay the enforcement of an Act until sufficient time has elapsed to demonstrate its effect upon natives of the Union.

7. The Schedule would appear to provide the only means of shielding the Swazis against any consequences they may suffer from the vicarious position in which they are likely to find themselves when transfer to the Union is ultimately effected.

I have, &c.,
ATHLONE,
High Commissioner.

Enclosure in No. 33.

SWAZILAND ADVISORY COUNCIL.

DELEGATE'S REPORT OF DEPUTATION'S INTERVIEW WITH THE PRIME MINISTER OF THE UNION OF SOUTH AFRICA AT PRETORIA ON 6TH JANUARY, 1925, AT 11 A.M.

MEMBERS of the Deputation had been informed by telegraph of the date and time fixed.

Prior to the interview with the Prime Minister an audience was granted the Deputation by His Excellency the High Commissioner, following which members were conveyed to the Union Buildings and introduced to the Prime Minister by the Imperial Secretary.

A general and informal discussion took place on the prospective incorporation of Swaziland into the Union of South Africa as it affected the European areas, between the Prime Minister and the Deputation.

The Deputation explained to the Prime Minister that in asking for the interview, the request for which had been prompted by recent public references in the Union to Swaziland, the Council had followed the same course as was adopted to meet General Smuts when reference was made in the Union Parliament some two years ago to the possible early incorporation of the Territory.

It was further explained to the Prime Minister that the question of union had been dealt with some time ago at public meetings held in different parts of the Territory, and that, while candidates for election to the Council at that time who had advocated union at any price had not only failed to secure election but were at the bottom of the polls, yet the people of Swaziland as a whole did not view the prospect of union with alarm provided incorporation could be effected on a basis adapted to conditions. Union was regarded as a natural development and, if on right lines, incorporation would in the general opinion work out to the benefit of both the Union and Swaziland.

It was pointed out how, in the opinion of the Council and of the people of the Territory who know it at first hand, Swaziland could be made a very valuable addition indeed to the Union quite out of proportion to what the size of the Territory might seem to indicate; but that if this end were to be realized, the conditions under which Swaziland would become a part of the Union would have to be very carefully determined.

Schedule to the South Africa Act.—It was recalled by the Deputation that the people of Swaziland were not represented at the National Convention—that at that time Swaziland was little known, was considered of little value and was popularly regarded as a native Territory of little concern to the larger South Africa; and that it was provided for in terms of the Schedule to the South Africa Act with which the Premier was already familiar and which included among other things Government by Proclamation and Commission for Swaziland in common with Basutoland, for instance, which was exclusively native territory.

These and the financial provisions suggested in the Schedule it was emphasized were altogether inadequate and unsuited to Swaziland.

The Deputation pointed out that as a matter of fact Swaziland was approximately only one-third native area and two-thirds European area.

Swaziland's possibilities, both agricultural and mining, were dealt with. Its potentialities for cotton growing, to which South Africa is looking forward to becoming a great national enterprise, were enlarged on and the views of men like Mr. G. F. Keatinge, C.I.E., Mr. W. H. Scherffius and Mr. S. Milligan were cited.

The Deputation submitted that had such circumstances and potentialities been contemplated by the National Convention very different provision indeed would have been made applicable to the European areas of Swaziland, that the application to Swaziland of the conditions of the Schedule would have been inconceivable. It was explained how the European people of Swaziland from one end of the Territory to the other would feel the deepest alarm were it thought that there was even a remote possibility of those conditions materializing. Fortunately, by Article 151 of the South Africa Act, they were only permissive not obligatory, in addition to the fact that the South Africa Act contained within itself, by Article 152, the means for adaption as circumstances and experience proved necessary.

The European people of Swaziland felt more than justified in their desire that the European areas should be taken out of the sphere of Government by Commission and Proclamation. When the people of Swaziland entered Union they wanted to do so wholeheartedly; they wanted full European status for the European areas on an equal footing with their fellow South Africans across the borders.

Representation and Entity.—Preservation of entity and separate representation in Parliament were discussed at some length. It was pointed out to the Prime Minister that Swaziland had its community associations and instincts like other parts of South Africa, and that it was felt that he (the Prime Minister) would appreciate this and would want to meet Europeans in their naturally very strong desire to have their entity preserved in some form which would be a matter for examination and discussion later, and to have separate representation in Parliament. It was held that only along these lines could their voice be ensured in the affairs of the Union of which they would become part.

Railway.—The Deputation pointed out that another vital matter was provision for public works of utility, such as adequate communications and transport facilities, including a railway or railways that would give reasonable service to the Territory as a whole. With Swaziland a part of the Union its development would mean the development of the Union, and there was probably no other part of South Africa needing railways where the agricultural potentialities so justified them as was the case in Swaziland. Given Union on right political lines rather than those suggested in the Schedule, and the stimulus of adequate means of transportation, the view was expressed that Swaziland's development would prove a surprise to the rest of South Africa. It was further indicated how South Africa as a whole would benefit.

The people of Swaziland wanted to feel therefore that any scheme for incorporation would include adequate provision for communications and transport, including railways and roads.

General.—In the course of the interview other matters were referred to, such as the continued exclusion of the Asiatic trader, collaboration with the Council in the making out of any detailed scheme for incorporation, etc.

It was, of course, pointed out to the Prime Minister that the Council was an advisory body in Swaziland representing the European population only, that it was acting and would continue to act through His Excellency the High Commissioner, and that it was realized that the actual negotiations would take place, when the time arrived, direct between the Union Government and the Secretary of State for the Colonies in London in consultation with the High Commissioner and the Resident Commissioner of Swaziland with, it was hoped, the inclusion of the Advisory Council. In such collaboration it was felt the best hope lay for conditions of incorporation that would be satisfactory to the Secretary of State for the Colonies, the Union Government, and the European population of Swaziland, and that would be to the best interests of Europeans and natives alike, and of South Africa as a whole. The Council further desired to be permitted to place finally suggested conditions of incorporation affecting the European areas before the public of the Territory before they became effective.

Prime Minister's Views.—The Prime Minister throughout the interview received the representations most sympathetically. With the unsuitability of the conditions of the Schedule to the South Africa Act to the European areas of Swaziland he entirely agreed, and the Deputation could be assured, he said, that he would want no European community to join the Union without enjoying all the rights, privileges and benefits of Union citizenship.

With the views expressed on entity and separate representation he also fully concurred, and though the European population of Swaziland was at present small, this need not prove an obstacle, as provision could be made accordingly.

On the preservation of entity the Deputation agreed that Swaziland was not sufficiently developed to stand on its own as a province in the ordinary sense, but there remained the alternatives of electoral entity and possibly some intermediate stage between this and the ordinary provincial status. The particular form of entity would be a subject for examination, and conclusions would be determined by the needs and merits of the position as reflected by further investigation.

On the question of stimulating development by roads, communications and railways he quite agreed that initial expenditure in this and other directions would be required beyond Swaziland's present capacity, and that the possibilities of the Territory justified it. He desired, like the Deputation, to take the South African and not the bargaining attitude. He further stated that the Deputation could be assured that Union would mean railway development without delay for Swaziland. On the other hand, with Swaziland remaining outside Union for any appreciable period, it was quite conceivable that the directions of Union railway extensions might be affected.

The Prime Minister expressed himself as entirely agreeable to the suggestion that the Council should be further consulted when the time for elaboration arrived, and he assured the Deputation that so far as his Government were concerned there need be no fear of Asiatic traders being foisted on the Territory, and he instanced the Free State as indicative of his views on the subject.

In response to the remark that in Swaziland native opinion feared that incorporation might be the forerunner of the breaking up of the native areas on the one hand, and that European opinion feared that it might precede the conversion of European areas to native reserves on the other, the latter in view of statements in the Press and by responsible members of the parties now in power, the Prime Minister was so definite and assuring that the Deputation received the impression that he would be prepared to have the present demarcations of European, as well as native, areas specifically entrenched in any terms of incorporation.

The interview terminated at noon.

The Deputation recommends that a copy of this report be handed to His Honour the Resident Commissioner, together with a brief summarized statement (Appendix) on the inadequacy and unsuitability to Swaziland European areas of the conditions of the Schedule to the South Africa Act.

In view of:—

1. The Prime Minister's clear indication of his sympathetic attitude towards incorporation being contingent on railway extension through Swaziland.
2. The fact that the Somkele-Pongolo extension is expected to be completed towards the end of the current year.
3. The vital importance to Swaziland of the early construction of a railway through the Territory.

the Deputation further recommends that, failing provision for construction by other means, the Prime Minister be sounded as to the possibility of having the railway extended into Swaziland without interruption upon completion of the Somkele-Pongolo section, though actual incorporation may not at that time be an accomplished fact.

The Deputation desires to place on record its appreciation of the assistance and courtesies accorded by His Excellency the High Commissioner, and also of His Honour the Resident Commissioner's support of the Council's request for the interview with the Prime Minister.

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Members of the Deputation.

SWAZILAND ADVISORY COUNCIL.

APPENDIX TO DELEGATES' REPORT OF DEPUTATION'S INTERVIEW WITH THE PRIME MINISTER OF THE UNION OF SOUTH AFRICA, 6TH JANUARY, 1925.

Some reasons why the conditions laid down in the *Schedule to the South Africa Act* and made permissively applicable to Swaziland by Section 151 of that Act, are both unsuitable and inadequate to the European Areas comprising approximately two-thirds of this Territory.

Political Provisions.

1. By Section 1 the Government of the European areas, like that of the native areas, would be by Proclamation of the Governor-General in Council on lines therein laid down, i.e., in practice by a majority of the Cabinet without reference to, discussion in, or the assistance of Parliament before Laws become accomplished facts, to continue "effectual unless and until" they are repealed by *both Houses of Parliament* sitting together, which apparent safeguard subsequent to Proclamation would tend to be ineffectual as the Cabinet would resent being called upon to undo what it had just done, virtually a vote of censure, and would be able to call party organization into operation; and, in addition, the expedient of both Houses of Parliament sitting together is resorted to normally only in cases of special emergency, alteration of the Constitution, etc.

2. The principle of Government of a European area forming part of a self-governing Dominion, under normal conditions by Proclamation, whatever administrative advantages it may be argued to have under a beneficent authority, which is not ensurable, is opposed to the principle of democracy underlying the Constitutions of the self-governing Dominions of the British Empire, and no satisfying protection is afforded in the Schedule against authority that may be out of sympathy with the European population of the Territory.

3. Government by Proclamation in the circumstances attaching to Swaziland would fail to give that confidence in the areas affected and that contentment to the population that is essential to the development and settlement which the latent productive capacity and natural conditions of the large European areas of Swaziland warrant.

4. Government by Proclamation by the Governor-General in Council advised by a Native Territories "Commission" as provided for in Section 2 of the Schedule, is still less designed to instil the confidence and contentment of Europeans and would surely accentuate the effect of Government by Proclamation detrimental to the progress of the European areas.

5. Incorporation on any lines that would tend to retard the development of the European areas as, in the opinion of the Council, the conditions laid down in the Schedule certainly would do, would be detrimental to the welfare of the natives in the adjoining native areas, as well as to the Europeans of the Territory because it would prove an effectually limiting factor in the extension of employment near at home for natives and their families and would consequently curtail those beneficent and educative influences of example, association and training that would be derivable from the utmost possible European agricultural development and employment amongst or near the natives' home surroundings.

6. Regarding the protection and development of the native race in the light of a European trust, and ever present danger of discontent and resentment among contiguous Europeans, of the nature the conditions of the Schedule would present, could quite conceivably jeopardize to the common detriment the good relations it should be the aim to attain and maintain between Europeans and natives; and with the natives' well-known imitative proclivities, discontent among the European population would be a source of danger to the contentment and good behaviour of the natives themselves.

Financial Provisions.

7. Section XI *et seq.* of the Schedule lay down financial provisions that are most lamentably inadequate not only to the present requirements but to what are certain to be rapidly and heavily increasing needs of a territory two-thirds European area with the potentialities Swaziland is known to-day to have, whether unburdened of the political handicaps to expansion or not, and doubly so once political drawbacks have been eliminated.

8. Even under the current system, with all existing revenues and present limited expenditure on public services and public works, with an annually accumulating deficit and appropriations of capital revenue to ordinary expenditure, the vital requirements of utmost urgency to the Territory are far in excess of the money available, in addition to the fact that no provision has or is being made for accrued and accruing pension liabilities to the service.

9. Apart from other public services, education alone to-day in the interests of the rising generation is crying out for the expenditure of relatively large sums of money for the attainment of which, like in other directions, there seems no prospect; and education's vital needs are expanding and will continue to expand in an increasing ratio to taxable capacity.

10. Roads, bridges, communications, hospitals expenditure to-day are all hopelessly inadequate, and these demands are increasing and will increase at a rate quite out of proportion to any probable increase of revenue under the present system or under the conditions, political and financial, laid down in the Schedule to the South Africa Act.

11. Instead of providing for additional funds or sources of revenue, under the Schedule to the South Africa Act, that substantial portion of the ordinary revenue, approximately 15 per cent., represented by the sum received as customs apportionment from the Union Customs Revenue, may be actually withdrawn from the territorial revenue by Section 19, and by Section 21 the overhead and unproductive charges on revenue are increased.

General.

12. Taken collectively, in the opinion of the Council, conditions determining a political future and affecting development, could not well be more unsuited and inadequate to any people or to any country with the scope for expansion and settlement of the European areas of Swaziland, than the conditions of the Schedule to the South Africa Act are to Swaziland. They would inevitably create instead of prevent difficulties, and retard, instead of stimulate, welfare and production.

13. It is further submitted that it would be positively wrong for a Cabinet normally to be allowed to put legislation into force applicable to the European areas of Swaziland without previous discussion in Parliament.

Though problems and difficulties may arise in any attempt at adequate adjustment of conditions to the circumstances attaching to Swaziland, they should not prove beyond the capacity of human ingenuity to solve, and they will be fewer and smaller than would ensue without adjustment. And the inducements to solution are worthy of the utmost abilities and efforts of the British Colonial Office, the Union Government, and all charged with the government and welfare of the Territory.

59478

No. 34.

HOUSE OF COMMONS.

11th February, 1925.

SOUTH AFRICA (INCORPORATION OF BECHUANALAND.)

COLONEL WEDGWOOD asked the Secretary of State for the Colonies whether he can give an assurance that no steps will be taken to concur in any way with the incorporation of Bechuanaland, or Basutoland, or Swaziland in the Union of South Africa before an opportunity has been given to this House to record its opinion on this matter of our responsibility for and to the native races?

THE UNDER-SECRETARY OF STATE FOR THE COLONIES (MR. ORMSBY GORE): In accordance with the pledges given when the South Africa Bill was before Parliament, the House will have the fullest opportunity of discussing, and, if they wish, of disapproving any proposed transfer of these territories to the Union.

8634

No. 35.

SOUTHERN RHODESIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 23rd February, 1925.)

[*Answered by No.* 40.]

(No. 33.)

Governor's Office,
Salisbury (Rhodesia),
2nd February, 1925.

SIR,

IN continuation of my despatch No. 330 of the 17th October last,* on the subject of the proposal that the Tati Territory should be incorporated in Southern Rhodesia, I have the honour to transmit herewith a copy of a further Minute which I have received from my Ministers.

2. I shall be glad to receive instructions as to the reply to my Ministers' inquiry whether His Majesty's Government are willing to give effect to the resolutions passed in favour of the incorporation of the Tati Territory into this Colony.

I have, &c.,
J. R. CHANCELLOR,
Governor.

Enclosure in No. 35.

Premier's Office,
Salisbury (Southern Rhodesia),
30th January, 1925.

(No. 44/1925.)

MINUTE.

WITH reference to the following resolution passed by the Legislative Council of Southern Rhodesia on the 18th May, 1921:—

"That the Administration approach the Colonial Office and the inhabitants of the Tati district with a view to arranging for the immediate incorporation of the country known as the Tati Territory with Southern Rhodesia."

And to the following resolutions passed at various public meetings of the residents of the Tati district on the 20th, 21st, 22nd and 24th January of this year:—

"Resolved that pursuant to the petition sent to the Secretary of State for the Colonies on the 19th September, 1922, asking for incorporation of the Tati District of the Bechuanaland Protectorate with Southern Rhodesia, which was signed by 78 per cent. of the European male adult population of the district, this meeting is of opinion that as Southern Rhodesia is now a self-governing Colony, the time has arrived for proceeding further in the matter, and therefore respectfully requests His Excellency the High Commissioner, the Earl of Athlone, to transmit this resolution to the Secretary of State for the Colonies—and requests the Rhodesian Government to take up the matter with the Secretary of State for the Colonies on the understanding that, if the incorporation is approved by the Imperial Government, the final decision of the European people of Tati shall be given by means of a Referendum after discussion of such matters as may be necessary with the Government of Southern Rhodesia."

Ministers have the honour to inform His Excellency the Governor that they approve of and adhere to the former resolution on behalf of the present Government of Southern Rhodesia.

Ministers have the honour to request that His Excellency may be pleased to communicate with the Secretary of State for the Colonies informing him of the views of this Government and asking him whether His Majesty's Government is agreeable to give effect to the resolutions referred to above, and if so, upon what terms and conditions.

Ministers have the honour further to request that His Excellency may be pleased to forward a copy of this Minute to His Excellency the High Commissioner of South Africa for his information.

C. P. J. COGHLAN.

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* No. 19.

32

8823

No. 36.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 24th February, 1925.)

[*Answered by No.* 39.]

(Confidential.)

SIR,

High Commissioner's Office, Cape Town, 4th February, 1925.

WITH reference to my Confidential despatch of the 23rd January,* I have the honour to transmit herewith a copy of a despatch from the Resident Commissioner of the Bechuanaland Protectorate forwarding the text of a Resolution passed at public meetings of Europeans which were held in the Tati District last month petitioning for transfer of that district to Southern Rhodesia. I have requested the Resident Commissioner to inform Mr. Bowman that copies of the Resolution and of his covering letter to me are being transmitted to you.

2. I also enclose a copy of two letters which were circulated in the Tati District by the General Manager of the Tati Company and by Mr. Haskins, a local trader. In forwarding these letters to Mr. Ellenberger, Colonel Daniel, the Assistant Resident Commissioner at Francistown, wrote as follows:—

"I am sending you two circular letters to see—I hear that all the meetings took place and the Resolution was passed at each place by large majorities. Old Mr. James Haskins, I am told, was persuaded to take the chair at Francistown and his followers don't appear to have voted. It has been suggested to me that this meeting is only preparatory to a referendum, and if that comes off, Haskins & Co. will then beat up their followers."

3. The following comments by Mr. Ledeboer, Magistrate at Francistown, who attended the meeting there, may also be of interest:—

"The Resolution will be recorded as having been passed unanimously, but when put to the meeting only about one-half the people present raised their hands in favour. No hands were raised against. That hardly implies unanimity to my mind.

Except for the inhabitants of Francistown, those who were present had already voted in favour of the forwarding of the Resolution, at one or other or all of the meetings already held at Ramaquabane, Tsessebe and Bosoli."

4. A Press report,† extracted from the *Bulawayo Chronicle*, of the meeting at Francistown is attached.

I have, &c.,
ATHLONE,
High Commissioner.

Enclosure 1 in No. 36.

(Confidential.)

Resident Commissioner's Office, Mafeking, 29th January, 1925.

MY LORD,

WITH reference to Your Excellency's Confidential despatch No. 1508, of the 8th August last, and previous correspondence regarding the future of the Tati district, I have the honour to forward herewith, in original, a minute from the Assistant Resident Commissioner together with the documents referred to therein.

2. I have caused Mr. Bowman to be informed that his letter to Your Excellency and its annexures have been duly transmitted to you.

I have, &c.,
J. ELLENBERGER,
Resident Commissioner.

His Excellency
The High Commissioner,
Cape Town.

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* 6896/25: not printed. † Not reprinted.

His Honour the Resident Commissioner,
Mafeking.

TRANSMITTING herewith to Your Honour, as requested by the Resident General Manager of the Tati Company, Limited, a letter addressed to His Excellency the High Commissioner containing a Resolution passed at four meetings of the inhabitants of the Tati district, which were held at different places, together with two copies of each Resolution.

R. M. DANIEL,
Assistant Resident Commissioner.

Francistown,
27th January, 1925.

TATI COMPANY, LIMITED.

The Assistant Resident Commissioner,
Northern Protectorate,
Francistown.

SIR, Francistown, B.P., 27th January, 1925.

I BEG to enclose herewith a letter addressed to His Excellency, the Earl of Athlone, High Commissioner of South Africa, containing copies of a Resolution passed unanimously at properly constituted public meetings of the residents of the Tati district, held last week.

I shall be obliged if you will forward the letter to His Honour, the Resident Commisioner for transmission to His Excellency the High Commissioner.

I beg to remain, &c.,
L. M. BOWMAN,
Resident General Manager, Tati Company, Limited.
(Convener of meetings.)

TATI COMPANY, LIMITED.

Major-General His Excellency
The Right Honourable the Earl of Athlone, G.C.B., G.C.M.G., G.C.V.O., D.S.O., A.D.C.,
High Commissioner of South Africa,
Pretoria.

YOUR EXCELLENCY, Francistown, B.P., 27th January, 1925.

I BEG respectfully to enclose herewith for your consideration copies of a Resolution which was passed unanimously at public meetings held in the Tati district of the Bechuanaland Protectorate at Tsessebe on the 20th instant, at Ramaquabane on the 21st instant, at Bosoli on the 22nd instant, and at Francistown on the 24th instant.

All these public meetings were properly constituted, notices calling the meetings and stating the subject to be considered having been sent to all adult residents in the Territory two weeks prior to the dates of the meetings. Practically every European resident in the Tati district attended one of these meetings.

A copy of the Resolution has been sent to the Honourable Sir Charles Coghlan, Premier of Southern Rhodesia.

I have, &c.,
L. M. BOWMAN,
Resident General Manager, Tati Company, Limited.
(Convener of meetings.)

RESOLVED that pursuant to the petition sent to the Secretary of State for the Colonies on the 19th September, 1922, asking for incorporation of the Tati district of the Bechuanaland Protectorate with Southern Rhodesia, which was signed by 78 per cent. of the European male adult population of the district, this meeting is of opinion that as Southern Rhodesia is now a self-governing Colony, the time has arrived for proceeding further in the matter, and, therefore, respectfully requests His Excellency the High Commissioner, the Earl of Athlone, to transmit this resolution to the Secretary of State for the Colonies, and requests the Rhodesian Government to take up the matter with the Secretary of State for the Colonies on the understanding that, if the incorporation is approved by the Imperial Government, the

final decision of the European people of Tati shall be given by means of a referendum after discussion of such matters as may be necessary with the Government of Southern Rhodesia.

We hereby certify that the foregoing Resolution was passed unanimously at a largely attended meeting of farmers and others held at Tsessebe on the 20th January, 1925.

H. MACLEOD,
Chairman of Meeting.

Proposer: J. M. Bowman.
Seconder: Ben. B. Gibbens.

Enclosure 3 in No. 36.

J. Haskins & Sons,
General Merchants and Direct Importers.
Francistown, Bechuanaland Protectorate, 16th January, 1925.

DEAR SIR,

As you are aware by Mr. Bowman's circular letter there is to be a meeting here on the 24th instant at 8.0 p.m., at which he is submitting a Resolution in favour of the Tati Territory being incorporated with Southern Rhodesia. As we believe your sympathies are not in this direction, and, like ourselves and others in the Territory, consider that a change of government is not desirable and that such a move would be premature, unwise and not to the best interests of the District and the general community, we shall be glad if you will endeavour to be present on this occasion to support some of us here in voting against Mr. Bowman's Resolution as set forth in his circular letter above referred to.

Yours, &c.,
J. HASKINS & SONS.

Colonel R. M. Daniel,
Francistown.

8828

No. 37.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 24th February, 1925.)

(Secret (2).)

SIR, High Commissioner's Office, Cape Town, 6th February, 1925.

I HAVE the honour to report that the Prime Minister called to see me at Government House on the 2nd of February, and I informed him that for various reasons, including those explained to General Botha in 1913, you were still unable to agree to the transfer of the Bechuanaland Protectorate Administration to the Union and that you could not, at present, give any indication of the period that might elapse before it would be possible to reconsider this decision.

2. In the case of Swaziland I said the position was somewhat different, but I pointed out that Sobhuza had challenged the whole land settlement in Swaziland; that his claims were at present the subject of an Appeal to the Privy Council, and you did not think it advisable to discuss the transfer of the territory until this case had been heard and judgment delivered.

3. I informed General Hertzog that in coming to the above decision you had been influenced by historical considerations, solemn obligations to certain Chiefs, various agreements with the British South Africa Company, and other bodies, as well as by political complications, including pledges which were given to the House of Commons by a former Government when the South Africa Act was before the Imperial Parliament.

4. Reference to the files in my Office showed that the instructions contained in Mr. Secretary Harcourt's Secret despatch of the 2nd May, 1913,* had been communicated to General Botha in a private letter from Lord Gladstone of the 3rd June. I had no means of discovering whether a copy of this correspondence was on record in the Prime Minister's Office or, if so, whether General Hertzog was aware of its existence, and in the circumstances I thought it advisable to refrain from referring to it. But I told the Prime Minister that if he would appoint a convenient time I would instruct the Imperial Secretary to call on him in his Office and give him further details and a general outline of the history of the Protectorate and of the events which imposed certain obligations on His Majesty's Government and which resulted in the Company obtaining its present rights and concessions in the territory.

5. I thought it advisable to place on record the representations made to General Hertzog on this occasion. They are set out in the attached Memorandum of an interview which he granted to the Imperial Secretary at my request.

I have, &c.,
ATHLONE,
High Commissioner.

Enclosure in No. 37.

TRANSFER OF HIGH COMMISSION TERRITORIES TO UNION.

PRÉCIS OF CONVERSATION WITH GENERAL HERTZOG.

IN accordance with Your Excellency's suggestion the Prime Minister asked me to call at his Office and give him a detailed review of His Majesty's Government's responsibilities in Bechuanaland and Swaziland and the various considerations which govern their transfer to the Union.

General Conditions.—I reminded him that the general conditions affecting all these territories and prescribing the form of government to be set up in the event of their transfer were laid down in the Schedule to the South Africa Act, and I explained that when the House of Commons accepted the provisions of that Instrument they extracted from the Government of the day an undertaking that Parliament would be consulted before any definite proposals for transfer to the Union were accepted.

I further reminded the General that the Imperial Government was pledged to give all sections of the inhabitants an opportunity of expressing their views when any change in the existing form of Government was contemplated. Successive High Commissioners had repeated this assurance to the natives and the Secretary of State had given a similar promise to the Swaziland deputation which recently visited England.

But apart from these general conditions which were applicable to all three Administrations His Majesty's Government had to take into account certain considerations peculiar to individual territories and I then proceeded to deal with the *Special position of the Bechuanaland Protectorate.*

I explained that unlike the natives of British Bechuanaland the Bechuana tribesmen had never been conquered but had willingly placed themselves under the protection of His Majesty's Government in 1885. In 1888 the British South Africa Company obtained from the Imperial Government a Charter which authorized them to operate in "that region of South Africa lying immediately to the North of British Bechuanaland and to the North and West of the South African Republic and to the West of the Portuguese Dominions." Subject to the approval of the Secretary of State the Company was entitled to acquire from the lawful rulers either within or beyond the sphere of British protection commercial concessions and certain powers of Government or Administration.

In order to exploit these concessions and more particularly those in Southern Rhodesia it became necessary to establish railway communication with the Cape Colony through the Bechuanaland Protectorate, and in 1892 the Company negotiated an agreement with the Colonial Office under which Her Majesty's Government agreed to assist towards the construction of the railway by an annual subsidy,

* No. 3.

a grant of land in British Bechuanaland and various other facilities, including a promise to use its influence to secure the co-operation of the Bechuanaland Protectorate tribes.

As the railway approached Mafeking the Company pressed for more extensive rights in Bechuanaland and the Imperial Government undertook to persuade the Chiefs to surrender strips of territory through which the railway was destined to pass, and it was at one time contemplated that the Administration of the Protectorate might ultimately be entrusted to the Company in much the same way as was that of Southern Rhodesia. When rumours of the suggested change in Government reached the ears of the Chiefs they raised a vehement protest which, in view of the demands about to be made upon them and of their voluntary acceptance of British protection, the Secretary of State was loath to disregard. Three of the more powerful Chiefs accordingly proceeded to England, where they arrived in September, 1895. In November of the same year they were induced, after considerable persuasion, to accept an agreement under which they surrendered the strips of land required for the railway and certain blocks along the Transvaal border which were made over in freehold to the Company. They further consented to their tribal lands being restricted to specifically defined "Reserves." The Imperial Government solemnly promised to maintain the integrity of these areas and the Chiefs agreed to abandon all claims (other than hunting rights) over the balance of the Protectorate which was appropriated as Crown Land.

At this point in the conversation I emphasized the implicit trust of the Chiefs in the good faith of His Majesty's Government and the magnitude of the sacrifices they had voluntarily made at a time when resistance in those waterless regions might have proved very embarrassing. I referred to the life-long allegiance of Khama and trusted that General Hertzog would recognize the very special claims which the natives had to be consulted before any change in the Administration was effected. I pointed out that the questions to be asked by Lord Buxton and Colonel Wedgwood (of which I handed him a copy) indicated that the Imperial Parliament acknowledged and was determined to respect these obligations to the Chiefs and that, for the present at any rate, the Secretary of State could not truthfully give the House of Commons an assurance that the natives would willingly acquiesce in transfer to the Union.

I then reverted to the Company's position in the Protectorate and explained that in December, 1895, the Imperial Government handed over the Crown Land to the Company and subject to supervision by Her Majesty's Officers within the Reserves it was contemplated that certain administrative powers would also be transferred. As a first step Doctor Jameson was appointed Resident Commissioner over Lobatsi and Gaberones blocks and the Bechuanaland Border Police were disbanded. The Company induced many of the officers and men to transfer to its service and with this reinforcement Doctor Jameson launched the raid on Johannesburg.

As a consequence of this expedition against a friendly State the British Government refused to give the Company any further administrative powers in the Protectorate and those already granted to it were withdrawn. On the principle that the unalienated lands of a territory must be regarded as vested in its Administration the Secretary of State declared that the Company automatically forfeited ownership of the Crown Lands of the Protectorate when His Majesty's Government decided to retain the government. The Company was subsequently confirmed in its mineral and land concessions and was granted preferential rights to develop the Crown Lands but it did not acquiesce in this settlement and has never abandoned its claim to the ownership of the Crown Lands or its demand to be entrusted with the Administration. I indicated the nature of these claims to General Hertzog by quoting the following extract from a letter which the Company addressed to the Secretary of State in 1913, when it learned that General Botha had raised the question of the transfer of the Protectorate to the Union.

"10th April, 1913.

I am directed to inform you that the Board has received a cable from the Vice-President of the Company, Mr. Maguire, at Cape Town, to the effect that he understands that the Government of the Union of South Africa are pressing for the handing over to them of the Administration of the Bechuanaland Protectorate.

The Board is of course without information as to the attitude likely to be adopted by the Secretary of State towards a request from the Government of

the Union of South Africa of the nature indicated, if made, but they feel bound to remind the Secretary of State that the claim of this Company to be entrusted with the Administration of the Bechuanaland Protectorate, based on the terms of the original Charter and official pledges is in their opinion a very strong one and that it has never been waived or abandoned.

It is of course true that Clause 151 of the South Africa Act of 1909 empowers the King, with the advice of the Privy Council, on addresses from the Houses of Parliament of the Union to transfer to the Union the Government of *inter alia* the Bechuanaland Protectorate, but the Board feel confident that the Secretary of State would not fail to give the fullest consideration to the Company's claim before advising His Majesty to exercise the power thus conferred upon him.

But the possibility of the transfer of the Administration of the Protectorate to the Union, if such transfer is under consideration, also raises the important question of this Company's commercial rights in the Protectorate, which rights are based upon the promises made by successive Secretaries of State."

A number of the Company's claims, I explained, had been rejected by His Majesty's Government but in the face of previous promises and on the advice of the highest legal authorities many others had to be recognized. Of late years the policy of His Majesty's Government has been in the direction of endeavouring to free the Protectorate and particularly the Native Reserves from the incubus of the numerous concessions operating over them. But the Company has strenuously resisted all attempts to curtail its claims and many issues are still being fought out with the Colonial Office. In this connexion I told the Prime Minister confidentially that the Company has just lodged an elaborate memorandum asserting its rights and privileges in the Protectorate and I urged the necessity of deciding these issues before negotiations were opened with the Union Government.

I concluded the Bechuanaland case by stating that these considerations had impelled His Majesty's Government to refuse General Botha's request for the Protectorate in 1913 and I reminded him that both General Botha and General Smuts had obviously recognized the force of these contentions because although the transfer of Swaziland had been the subject of intermittent correspondence with the Union for some years past that of Bechuanaland had never again been referred to except in 1919, when in the course of a conversation about Swaziland General Botha assured Lord Milner that he had no intention of asking for the Protectorate.

The position of Swaziland, I proceeded, was somewhat different. When the British Government assumed control of that Territory mineral and grazing concessions and most of the land had been bartered away to concession hunters by ignorant and improvident Chiefs who, it must be remembered, neglected the formality of consulting the interests or obtaining the approval of their subjects or advisers in accordance with native custom. His Majesty's Government had stepped in and secured to the Swazis a third of their land which exists in the form of surveyed Reserves interspersed amongst the lands belonging to Europeans comprising the remaining two-thirds of the total area of the Territory. But although His Majesty's Government considered this to be a reasonable settlement it failed to satisfy the natives and I reminded the Prime Minister that it is at present the subject of an appeal to the Privy Council, which challenges the partition of the land as effected by the Selborne Commission. The Secretary of State, I said, was doubtful whether it would be possible to carry out transfer while this case was outstanding and had therefore suggested that discussion of the question should be postponed.

In the likely event of this action being decided in favour of the Government, I thought the Secretary of State might be prepared to consider the question of transferring the Territory, but before doing so it would be necessary to give the natives an opportunity of expressing their views and to consult the House of Commons. Unfortunately the premature announcement made to the Bechuanaland deputation had provoked both here and in England a Press campaign against the transfer of any of the High Commission Territories. I drew the Prime Minister's attention to the tone of the questions to be asked in both British Houses of Parliament and inferred from them that a request for transfer would be vigorously debated. I also pointed out that it would be embarrassing for His Majesty's Government to have to submit the matter to Parliament at the present time when Native affairs are the subject of so much controversy in the Union.

Under these circumstances I explained that Your Excellency thought it would be advisable to postpone for some time the question of transferring even Swaziland to the Union and I suggested that public interest might be allayed and discussion in both Union and British Parliaments curtailed if he could see his way to make an official announcement on the lines agreed upon with the Secretary of State.

The Prime Minister thanked me very cordially for the detailed explanation I had given him and asked me to assure Your Excellency that he quite appreciated the difficulties which existed in Bechuanaland and although I think he felt disappointed he agreed that the transfer of that Territory would have to be indefinitely postponed. At the same time he asked that you would recommend the Secretary of State not to agree to the incorporation of the Tati District in Rhodesia until he was in a position to reconsider the transfer of the Bechuanaland to the Union.

With regard to Swaziland he expressed the opinion that railway development in the Union might make it necessary to raise the question again in the near future, but he agreed that for the present it would be a good thing to discourage further discussion and finally he consented to issue the statement I submitted to him.

I think his next move will be influenced to a considerable extent by the progress which is made with the Somkele-Pongola railway extension, so I thought it advisable to warn him that even after principle of transfer is accepted by His Majesty's Government a considerable delay must occur before certain Parliamentary and legislative formalities can be complied with and the final details settled including matters such as the appointment of the Commission under the Schedule. I also reminded him that he might for diplomatic reasons wish to negotiate a new convention with Portugal before taking over Swaziland. As regards the railway I suggested that His Majesty's Government might agree to the Somkele line being extended into Swaziland before change in Administration was formally completed.

Throughout the interview, which lasted over two hours, General Hertzog displayed the keenest interest and frequently referred to the maps and asked questions about the history of the territories. For sentimental reasons he said the Transvaalers were anxious to see Swaziland incorporated in their province but he wished to recognize in some way the identity of the Territory and proposed to do so by giving them a special Member in spite of the smallness of the population.

B. E. H. C.

3rd February, 1925.

5351

No. 38.

SOUTH AFRICA.

THE SECRETARY OF STATE to THE HIGH COMMISSIONER.

(Sent 1.45 p.m., 24th February, 1925.)

TELEGRAM.

(Paraphrase.)

24TH FEBRUARY. Bechuanaland Protectorate and Swaziland. Your Secret telegram 3rd February.*

I am much indebted to you for the satisfactory issue of your conversations with Hertzog and for your helpful reports. Report of debate in House of Lords on Lord Buxton's question is being sent by mail.

I think Hertzog's request regarding Tati district goes rather far and that it should be sufficient to promise him that I will not entertain any proposal for transfer of district to Southern Rhodesia without consulting him. In the circumstances I propose to reply to Chancellor's despatch of 17th October† to the effect that the proposal is one which gives rise to considerable difficulty and that I should be glad if it were not pressed at present. I will explain matters more fully to Coghlan in a private letter. I agree that if at any time Union were offered European blocks along Transvaal border, His Majesty's Government ought to be free to offer Tati district to Southern Rhodesia. We have not, however, gone in any detail into the merits of the suggestion that

* No. 31. † No. 19.

these blocks might be transferred separately to Union and I would not wish anything to be said at present to Hertzog which would suggest that no difficulties are presented by such a proposal. The matter is one regarding which I think some further examination is required and as the settlers in the blocks may continue to press for transfer to the Union I should be glad if you would consider in detail, in confidential consultation with the Resident Commissioner, the various points which would have to be taken into account in dealing with such a proposal and let me have your views by despatch in due course. While transfer of Tuli block to Union might be free from objection, inclusion in Union of Gaberones and Lobatsi blocks would seem to create awkward boundary line, and in view of the fact that railway passes through them we should have to consider what effect transfer to Union would have on existing means of communication and in particular on the movement of Protectorate cattle by rail through these blocks from one place in the Protectorate to another.

This last point might be point of importance if any agreement is made with Graaff.—AMERY.

8823

No. 39.

SOUTH AFRICA.

THE SECRETARY OF STATE to THE HIGH COMMISSIONER.

(Confidential.)

MY LORD, Downing Street, 11th March, 1925.

I HAVE the honour to acknowledge the receipt of your Confidential despatch of the 4th February* forwarding the text of a Resolution passed at public meetings of Europeans held in the Tati district on the subject of the transfer of the district to Southern Rhodesia.

2. I have to request that you will cause Mr. Bowman to be informed that the terms of the Resolution have been noted and will be kept in mind, but that His Majesty's Government do not feel able, in existing circumstances, to take any immediate action in the matter. I am informing the Governor of Southern Rhodesia of this proposed reply in the despatch† of which a copy is enclosed, and I should be glad if you would make sure that the despatch is in the hands of the Southern Rhodesian Government before any communication is sent to Mr. Bowman.

3. I enclose also a copy of correspondence‡ with the Tati Company, Limited, on this subject.

I have, &c.,
L. S. AMERY.

8634

No. 40.

SOUTHERN RHODESIA.

THE SECRETARY OF STATE to THE GOVERNOR.

[*Answered by No.* 43.]

(No. 88.)

SIR, Downing Street, 11th March, 1925.

I HAVE the honour to acknowledge the receipt of your despatches No. 330 of the 17th October and No. 33 of the 2nd February,§ on the subject of the proposal that the Tati district should be incorporated in Southern Rhodesia.

2. I should be glad if you would inform your Ministers that the proposal has received careful consideration, but that it is one which gives rise to considerable difficulty and I should be glad if it were not pressed at present. I am asking the High Commissioner for South Africa to explain in reply to the Resolutions which were passed at the public meetings in the Tati District last January that the terms

* No. 30. † No. 40. ‡ 9024/25: not printed. § Nos. 19 and 35.

of the Resolutions have been noted and will be kept in mind but that His Majesty's Government do not feel able in existing circumstances to take any immediate action in the matter.

I have, &c.,
L. S. AMERY.

D. 8247

No. 41.

SOUTHERN RHODESIA.

MR. AMERY to SIR C. COGHLAN (PRIME MINISTER).

(Personal and Confidential.)

DEAR SIR CHARLES, Downing Street, 11th March, 1925.

I AM sending to the Governor by this mail an official despatch* on the subject of the Tati district, but as I am afraid you will not think it very satisfactory I should like to explain to you confidentially our difficulties.

When the question of the transfer of this district to Southern Rhodesia was raised by the Resolution adopted in 1921 by the Elected Members of the Southern Rhodesia Legislative Council it was recognized here that the matter was one on which the Union Government ought to have an opportunity of expressing their views, having regard to the reversionary interest which the Union has in the Bechuanaland Protectorate under the South Africa Act. General Smuts was accordingly consulted at the time, but replied that so far as the Union was concerned he had no objection to offer to the incorporation of the Tati district in Southern Rhodesia. This explains why Mr. Churchill felt himself free, in his despatch of the 22nd December, 1921,† to say that the district could, if it was found desirable, be added to Southern Rhodesia, after the annexation of the latter, under the Colonial Boundaries Act.

Since then the position has of course altered. General Hertzog has come into office and has expressed views on the desirability of the Union taking over the whole of the Bechuanaland Protectorate. Any application for the transfer of the Protectorate to the Union would be embarrassing to His Majesty's Governent while it is so strongly opposed, as it is at present, by the Bechuana Chiefs. It has been necessary to explain this to General Hertzog, and he will not, I understand, pursue the question of such a transfer at present: but he has taken the line that so long as the rest of the Protectorate cannot be transferred to the Union we ought not to agree to hand over the Tati district to Southern Rhodesia. You will, I think, recognize that to do so now might involve the re-opening of the matter of the transfer of the Protectorate to the Union: and though I have not gone further than to assure General Hertzog that I will not entertain any proposal for the transfer of the district to Southern Rhodesia without consulting him, I feel that it will be best to allow the matter to stand over for the time being though I realize that further consideration may have to be given to it if we have to take up the question of the transfer to the Union of the European blocks further south (Tuli, Lobatsi and Gaberones). At present, however, this idea is still very much in the air.

I might, perhaps, add in this connexion that despatches which we have received from the High Commissioner do not suggest that the feeling among the settlers in the district is by any means unanimously in favour of transfer to Southern Rhodesia.

I hope Rhodesia is prospering. Some day before my term of office is out I must try and pay you a visit—I have not been there since 1902, and it will be very interesting to see the progress since then. But I cannot say yet when I can manage it.

Yours, &c.,
L. S. AMERY.

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* No. 40. † Cmd. 1573; January, 1922.

17129

No. 42.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 15th April, 1925.)

(Secret.)

SIR, High Commissioner's Office, Cape Town, 26th March, 1925.

I HAVE the honour to transmit herewith Press reports* of a debate on Native Affairs in the course of which the Prime Minister delivered an important speech on the subject of his native policy and his attitude in regard to the question of transferring the Administrations of Bechuanaland and Swaziland to the Union.

2. The election speeches made by Members of the Pact Government, and subsequent pronouncements by individual Ministers forecasted fundamental changes in the native policy hitherto pursued in the Union. Mr. Tielman Roos, for instance, proposed that native women should be subjected to the provisions of the Transvaal pass laws; expressed satisfaction with the present system of trying native cases before a European jury and indicated that the Prime Minister would introduce Native Legislation this Session based on a policy of segregation. General Kemp on his return from a visit to Zululand remarked adversely upon the fact that the natives in this Territory (who number 250,000) were in possession of 4,500,000 acres of land against 4,000,000 held by an European population of 4,000, and declared that the natives would be amply provided for and their "usefulness to the State increased" if their reserves were reduced to 1,000,000 acres—the inference being that by depriving them of their land they would be compelled to work for the whites.

3. As reported in my despatch No. 45 of the 23rd January† a Bill was gazetted and subsequently introduced by the Minister for Mines designed to give statutory recognition to the "colour bar" principle which precludes natives from obtaining "certificates of competency" to perform certain work in mines even when they possess the necessary qualifications and the ability to discharge satisfactorily the obligations imposed upon persons engaged in such work.

4. The speeches delivered on the second reading of this Bill were reported in the *Cape Times* of 26th February, and forwarded to the Colonial Office under cover of my Governor-General despatch Confidential of 27th February.‡ The tone of Mr. Beyers' remarks on this occasion could not fail to arouse resentment in a native mind. "The colour bar," he admitted, "had led to great dissatisfaction among the natives. But the natives must be *kept within a certain limit* and given an opportunity of developing within that limit." This is a doctrine which in practice generally operates throughout the Union and is more or less tacitly accepted by the natives, but Mr. Beyers can claim the unenviable distinction of being the first Minister to propound it bluntly from the Government benches and to advocate its incorporation explicitly in the statutes of the country. The measure received the support of Labour Members, though Mr. Sampson's remarks indicated that his party regarded it as a means towards the realization of a standard wage, and although I feel sure Labour Members will readily support the native policy of the Nationalists their motives are obviously not identical with those of their allies.

5. It is more than probable that, being the only Member of the Cabinet with previous ministerial experience, General Hertzog had an early premonition that the policy he had advocated in opposition might need some revision before it could be applied by him as Minister for Native Affairs. This feeling of uncertainty may have been responsible for his reticence on the subject of native policy, but there seems little doubt that at the commencement of his Ministerial career he was still in favour of a comprehensive scheme of segregation. When addressing the Native Conference in Pretoria on behalf of the Prime Minister the Minister for Justice definitely stated that a Bill based on this principle would be introduced during the present Session, and I think that General Hertzog's ambitions in this direction provide the most convincing explanation of his anxiety to take over the High Commission Territories. This assumption was, to some extent, corroborated by an

* Extracts from one only reprinted. † 0212/25: not printed. ‡ 12361/25: not printed.

inspired Press summary of the contemplated legislation which indicated that provision would be made for the removal and re-settlement elsewhere of whole tribes of natives. Even when he realised that there were insurmountable difficulties in the way of utilizing the High Commission territories for native expansion the Prime Minister seems still to have cherished the belief that a fairly extensive measure of segregation could be expeditiously effected, and no doubt it was for this purpose that the Native Affairs Commission toured the country trying to persuade the farmers of Natal and the Transvaal to provide additional land for native settlement. Their failure, which in the face of rural hostility was inevitable, rendered segregation on a large scale out of the question, and General Hertzog has been reluctantly compelled to fall back on the *laissez faire* policy of the late Government which he was wont to denounce with such vehemence when he was leader of the Opposition.

6. The Prime Minister has justly pointed out that segregation in varying degrees has been the policy of all Union Governments and was contemplated in the Native Land Act of 1913, which prohibited natives from acquiring land in certain areas where white settlement was predominant, the intention being to compensate them for the loss of these rights by setting aside land for them elsewhere—a task which was subsequently entrusted to the so-called Beaumont Commission. When the recommendations of this body were made public there was a great outcry against them from the white communities affected, and the Government became so alarmed at the opposition that it referred the Beaumont Commission's report to a number of local committees who recast it, allocating for native purposes certain other areas considered unsuitable for white settlement. A large proportion of this land was in low-lying, malarious areas at that time regarded as unhealthy. The Government of the day took no steps at the time to secure these areas to the natives, possibly because the latter displayed little inclination to migrate there. With the advent of cotton growing, however, all this land became very valuable and was rapidly taken up by Europeans, with the result that to-day those portions of the 1913 Act which deprive the natives of the right to acquire land in certain areas are in operation, while the compensatory provisions contemplated by the Beaumont Commission and the local committees have not been and, for the most part, cannot now be carried out.

7. General Hertzog is now faced with the alternative of jettisoning his policy of extensive segregation or spending vast sums purchasing land from Europeans. He has accordingly announced that he feels compelled to "follow the practice instituted by the late Government," namely, to reserve all Crown land in the areas demarcated by both the Beaumont Commission and local committees which has not already been alienated to Europeans in order that natives able and willing to do so may acquire it for tribal occupation or individual tenure. He does not state, however, on what terms the natives will be allowed to purchase this land, but if they are expected to pay for it at the ruling prices for neighbouring European-owned land, which are considerably enhanced since the 1913 Act deprived them of right to acquire it, they will be severely penalized for the bad faith and procrastination of the Governments responsible for that measure. In any case the position is most unsatisfactory, and General Hertzog has considerable justification for complaining that the failure of his segregation policy is largely due to the apathy and negligence of previous Governments since what might have been a feasible, or at least a less difficult, policy between 1913 and 1918 cannot now be put into operation. Thus to-day in the Union we are confronted with an *impasse* in the native land question which the people of Rhodesia may be faced with to-morrow, and in pointing the moral I should like to quote from my telegram of the 12th November, 1924,* commenting upon the terms of reference to the Commission under Sir Morris Carter which is at present investigating these very problems on behalf of the Government of Southern Rhodesia:—

> "As any reservation of land for native occupation will probably defer date at which revenue can be obtained by sale or lease of such land, I presume that large areas will, in first instance, be left unallocated, and question of their ultimate partition will, no doubt, be dealt with under section four of draft terms of reference. I think it is of utmost importance that native claims to portion of this area which inevitably will not obtrude themselves for many years to come should be safeguarded in a manner which would obstruct

* 53457/24: not printed.

as little as possible progress of white settlement. A fixed proportion including fair percentage of arable land might be reserved for them in remote districts, demarcation of boundaries being deferred until general drift of white settlement can be estimated. It would, of course, be necessary to protect natives against any undue rise in land prices.

Rhodesian Government does not seem to contemplate that Commission should report upon terms on which natives should acquire land, but this is important. It is unlikely that there will be any serious competition for freehold allotments amongst natives for many years, and as Europeans could not take up land within area reserved for native tenure the value of such land should clearly be assessed independent of ruling prices of adjacent land open to white settlement. Further, as it is probable that there will be little competition amongst the natives themselves for many years, it will be impossible to ascertain relatively reasonable prices by throwing reserved land on native market. I think, therefore, that Commission should be instructed to consider question of assessing native land values and to propose scheme for protecting natives against being penalized because they are not now sufficiently advanced to take advantage of prices ruling at present, which are likely to increase as the Colony develops."

8. In making his announcement on native policy General Hertzog was practically acknowledging the failure of his segregation scheme as interpreted by the public of the Union and the fact that he followed it up by declaring his intention to pursue the policy of the late South African Party Government excites one's admiration of his broad-minded frankness on this occasion. As a further *beau geste* he intimated his acceptance of General Smuts' appeal that Mr. Beyers' "colour bar" Bill be referred to a select committee, and in his turn invited the Opposition to co-operate with the Government in framing a native policy, as he considered the problem should be approached in a national rather than a party spirit.

9. In responding to this invitation on behalf of the Opposition General Smuts described General Hertzog's announcement on native policy as a "reassuring statement." His remarks on the subject of the transfer of Bechuanaland and Swaziland indicate that he means loyally to adhere to the undertaking reported in my Secret despatch of the 6th February.* In referring to Bechuanaland he said, "Our position has always been, *as a Party*, that we are not prepared to incorporate in the Union any territory unless the *inhabitants* of the territory are prepared to come in, and that is the position we are going to take up in regard to Bechuanaland." When speaking of Swaziland he remarked that the same difficulties did not exist, but his assurances were equally satisfactory. "I think," he stated, "that matters are more favourable than they are with regard to Bechuanaland. But in Swaziland, too, as I have said, I have taken up the position that unless the *people* are prepared and desire to come in I am not going to insist upon their coming in."

10. These statements and the Prime Minister's very reasonable attitude on the native question in the Union are certainly most reassuring as the trend of native policy in the Union will undoubtedly exert a marked influence on His Majesty's Government when the time arrives to consider the transfer of the Imperial territories. Lord Milner's reference to General Botha, quoted in my Secret despatch of the 29th October,† can be appropriately recalled at this juncture. "His (General Botha's) own ideas as to the treatment of natives seem to me liberal and quite on right lines, and I believe that he is sincere in this. You will, of course, have to satisfy yourself that he is likely to be able to carry them out." In making the statement I am reporting upon, General Hertzog emphasized that he was *speaking for himself alone*, adding significantly "by this time next year I hope to have my colleagues with me in a definite policy," and he has stated that he is "at one with" his party's desire to "reserve certain work for Europeans" —that is to say, he favours a colour bar in practice even if it is not put into legislative terms. In a country like South Africa where white opinion is almost unanimously in favour of restricting native enterprise to specified classes of employment this is, no doubt, inevitable. General Hertzog has further indicated that steps must be taken to reconcile the Cape native policy with that of the

* No. 37. † No. 20.

Northern Provinces, particularly in regard to the franchise. He has already associated himself with Professor Brooke's view that the Cape native vote should not be used in European elections, and although their disfranchisement would offend principles long held essential by Imperial Authorities it is possible that public opinion in South Africa may force the issue in spite of General Smuts' warning that the Cape native vote is protected by the Act of Union. But provided a satisfactory alternate method of giving effect to native opinion is substituted this policy may not be as bad as superficial consideration might lead one to believe. On the other hand, I should regard with serious concern any movement designed to establish in the Cape Province the "spirit" which characterizes native policy in the North. And it is significant that General Hertzog suggested that, in the interests of a common native policy for the Union, some compromise must be found between the "two extremes."

11. A similar compromise will presumably have to be effected within the Cabinet if General Hertzog's "definite policy" is to be evolved during the next year or so. I have already said, and the Prime Minister has himself confessed, enough to show that opinion is sharply divided on all sides of the House in regard to native policy. The extreme section, as represented by Mr. Beyers, Mr. Tielman Roos, General Kemp, etc., are frankly in favour of repressive measures against natives. Mr. Waterson (Labour) expressed extreme disappointment at the Prime Minister's statement and urged that the Government "should have taken steps to prevent any further penetration of native areas by whites because there happened to be mineral wealth there or because the land happened to be valuable." He piously declares that the "selfishness of the white people is the biggest stumbling block to the settlement of the native question," but destroys all this altruism by confessing that he wants the land in order to accommodate natives whom his party wishes to see driven from industrial employment. On the other hand, Mr. Nichols points out that cheap black labour enables the European in South Africa to obtain a higher average wage than he can in all-white countries, seeing that the average European wage on the Witwatersrand mines is £290 per annum and the non-European £42 per annum, as compared with an average white man's wage of £169 in Australian factories. To reconcile these conflicting views on the native question will be a difficult task, and there is a distinct prospect that in the process the native stands to lose rather than to gain.

I have, &c.,
ATHLONE,
High Commissioner.

SCHEDULE OF ENCLOSURES.

26th March.*	*Cape Times.*	Parliamentary debate on Native Affairs.
26th March.†	*Cape Argus.*	Leading article, "Segregation reduced to a shadow."
27th March.†	*Cape Times*	Leading article, "Above Politics."
26th March.†	*Die Burger.*	Translation of leading article, "Native Policy."

Enclosure 1 in No. 42.

EXTRACTS FROM REPORT IN *Cape Times* OF 26TH MARCH, 1925, ON PARLIAMENTARY DEBATE ON NATIVE AFFAIRS.

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MR. J. W. JAGGER (S.A.P., Cape Town Central) invited a statement from the Prime Minister on British Bechuanaland, South West Africa, and segregation.

GENERAL HERTZOG (Prime Minister): I gladly take the opportunity to answer the questions put by my hon. friend. I should have liked to have been able to answer him more definitely, but under the circumstances I am afraid he will have to be satisfied with what I can give him.

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Bechuanaland.

Then in regard to British Bechuanaland, I have been consulted by inhabitants of the Transvaal, on the border, and also through letters from others in Bechuanaland, along the border—Europeans—and they very earnestly desired an interview

* Extracts only reprinted. † Not reprinted.

with me. Eventually I did give them the interview, and I said to them at the time that

> as far as the Union Government were concerned I thought that the time was approaching to consider these questions of Bechuanaland and Swaziland, and we would be quite prepared, if circumstances were favourable, to consider them. But with regard to both I immediately told them that our position has always been, as a Party, that we are not prepared to incorporate in the Union any territory unless the inhabitants of the territory are prepared to come in, and that was the position we were going to take up in regard to Bechuanaland.

I believe my hon. friend knows there was a great outcry in the papers—for what reason I cannot understand, but probably there is good cause for taking the part that some of these papers did take—but I have nothing to do with that. All I can say is I consider the time has come, provided that the people—natives as well as Europeans—are prepared to come into the Union. If they are not, very well, I am not prepared to have them incorporated in the Union. I think, also, there are certain difficulties with regard to Bechuanaland which would make it less advisable to take any step of that kind to-day.

Swaziland.

With regard to Swaziland I have also been approached, both by Transvaal inhabitants who have interests in Swaziland and by European inhabitants of Swaziland. With regard to this, I think that matters are more favourable at present than they are with regard to Bechuanaland.

But in Swaziland, too, as I have said, I have taken up the position that unless the people are prepared and desire to come in I am not going to insist upon their coming in. I must say, with regard to Swaziland, I have the fullest hopes that before long the inhabitants there will see that the best thing for them all is to come into the Union.

20092

No. 43.

SOUTHERN RHODESIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 4th May, 1925.)

(No. 103.)

Governor's Office,
Salisbury, Southern Rhodesia,
9th April, 1925.

SIR,

I HAVE the honour to acknowledge the receipt of your despatch No. 88 of the 11th March,* on the subject of the proposal that the Tati district should be incorporated in Southern Rhodesia.

2. In view of your despatch my Ministers inform me that they do not propose to press this matter at present.

I have, &c.,
J. R. CHANCELLOR,
Governor.

26507

No. 44.

HOUSE OF COMMONS.

15th June, 1925.

RHODESIA (TATI CONCESSION).

MR. SNELL asked the Secretary of State for the Colonies if he can state the position of the Tati Concession regarding the question of becoming incorporated with Rhodesia; whether a referendum has recently been taken; and with what result?

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*No. 40.

MR. ORMSBY GORE: Resolutions were passed at various meetings of settlers held in the Tati district last January expressing the view that the time had arrived for proceeding further with the question of the incorporation of the district in Southern Rhodesia and proposing that, if such incorporation was approved by His Majesty's Government, the final decision of the European people of the district should be given by means of a referendum. The Resolution has received very careful consideration, but the only reply my right hon. friend felt able to make was that the terms of the Resolution had been noted and would be kept in mind, but that His Majesty's Government did not feel able, in existing circumstances, to take any immediate action in the matter. This decision was communicated also to the Government of Southern Rhodesia. It will be seen therefore that no referendum has been taken.

39794

No. 45.

SOUTH AFRICA.

HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 1st September, 1925.)

[*Answered by No.* 51.]

(Secret.)

SIR,

High Commissioner's Office, Cape Town, 29th July, 1925.

I HAVE the honour to report that in my opinion the time is close at hand when it will be necessary to review the general policy of His Majesty's Government in the High Commission Territories and to consider a number of problems that are being forced into prominence by pressure from European interests within and around the Territories and by the requirements of the natives themselves.

2. As reported in my telegram of the 16th July* the Union Prime Minister proposes next Session to announce the native policy of his Government, and he has intimated that this step will be followed by a demand for the transfer to Union of the Administration of Swaziland. I have accepted as a guiding principle the belief that Union is the ultimate destiny of all three Territories and that the policy of His Majesty's Government contemplates that the change should be effected gradually and that the transfer of Swaziland should be in the nature of an experiment to determine whether the Government of the Union is in a position to accept and Parliament disposed honourably to discharge the obligations His Majesty's Government have assumed on behalf of the natives under its protection. I am satisfied that General Hertzog desires to formulate a policy which will deal fairly with the natives, but, in the present state of public opinion, I am doubtful whether a mere expression of his good intentions or even their embodiment in an Act of Parliament can be accepted by the Imperial Government as sufficient guarantee that the rights and possessions of the Swaziland natives, as at present safeguarded, will be preserved. I should like first to see the new Native Act in operation and some attempt made to set up an independent department under the control of men who profess, and are in a position to carry out, a native policy in accordance with the ideals which have characterized British rule of backward peoples. If the Union Government were led to understand that our approval of the new measure would facilitate the process of transfer I would probably be able to indicate reforms such as the appointment of a strong Native Commission free from sectional political control and possessing executive in place of purely advisory functions; the removal, as far as possible, of native administration from the control of Magistrates of the Department of Justice to that of Commissioners of the Ministry of Native Affairs and the gradual establishment in predominantly native areas of Native Councils under the Native Affairs Act, 1920. Perhaps you might consider the advisability of notifying the Prime Minister by personal letter that, having heard through me of his intention to announce his native policy at the beginning of next Session and of his impending request for the transfer of Swaziland to the Union, he might wish to provide you with a detailed summary of his proposals before making a statement in the House in order to provide you with an opportunity of offering informally

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*32413/1925: not printed.

any suggestions which would make the Secretary of State's task easier if it subsequently became necessary to persuade the House of Commons to agree to the transfer of Swaziland to the Union. I have every reason to believe that the General would welcome any observations submitted to him orally. He recently informed me that he had studied carefully the provisions of the Schedule to the Act and was surprised to find how closely they coincided with his own views on native administration, and I think that he would readily recognize the right of His Majesty's Government to be consulted about a native policy which may ultimately be extended to an Imperial Territory, and even to make the transfer conditional upon the inauguration in the Union of a policy which would not involve evasion of our obligations to the Swazis or the surrender of principles which we regard as essential to the beneficent government of a native population.

3. When the Schedule to the South Africa Act was drawn up it seems to have been contemplated that all three Territories would be transferred simultaneously to the Union, but this method has been abandoned, I presume, in favour of the gradual process already mentioned. In my despatch Confidential of the 29th October, 1924,* I urged that "His Majesty's Government should insist on the Schedule being left intact because once any relaxation of its provisions is conceded it will be difficult to resist subsequent demands for its amendment until ultimately the Schedule would bear little resemblance to the form in which it was originally drafted." If this recommendation is accepted by His Majesty's Government (and Sir Henry Lambert's letter to the Imperial Secretary of 29th March, 1925,† seems to indicate that it most undoubtedly will be) the question arises as to whether, in the event of Swaziland being transferred separately to the Union, it would be reasonable or practicable to expect the Union Government to appoint a special Commission such as that contemplated in the Schedule, for the sole purpose of administering one small Territory like Swaziland. Obviously no such proposal could be insisted upon and the only alternative seems to be the reconstitution of the Union Native Affairs Commission in accordance with the requirements of the Schedule, so that it shall be endowed with executive authority and comprise a personnel acceptable to His Majesty's Government.

4. When the conversation with General Hertzog, summarized in my telegram of 16th July,‡ took place, I again warned the Prime Minister that His Majesty's Government would not be prepared to consider for a long time to come any proposal for the transfer of Bechuanaland to the Union, and although he was outwardly resigned to the prospect I am inclined to believe that his desire for its early absorption is as strong as ever and that the Transvaal "bloc" in the Cabinet will press for its transfer at the earliest possible date. In the meantime the process of peaceful penetration which is in progress may possibly be designed to strengthen Union claims to the Territory. The Locust expedition of last year and the "Kalahari" expedition, which is at present engaged in investigating the feasibility of the "Schwartz" scheme for irrigating the desert have, I am induced to believe, a sinister significance. In my despatch Confidential of 30th July§ I enclosed a Minute from Ministers expressing concern at the existence of lung sickness in the Bemangwato Reserve and a fear that it constitutes a serious menace to the cattle industry of the Union. From my reply you will see that the risk is not a serious one, and I am inclined to think that this complaint, and an equally bizarre suggestion that Union small stock in the waterless wastes of the Khuis River district are in danger of contamination from scab-infected animals on the Bechuanaland side of the Molopo, are movements in a general scheme to expedite transfer. This conclusion received significant corroboration from the Prime Minister himself, who remarked in an unguarded moment that his "Transvaal" colleagues were opposed to the transfer of Tati district to Rhodesia and to the transfer of the Tuli Block to the Transvaal for fear that any previous disintegration of the Protectorate might postpone the date of the transfer of the whole of Bechuanaland to the Union. I am therefore disposed to consider whether something should not be done to consolidate the position by offering Tati to Rhodesia and the Tuli Block to the Union, and simultaneously making certain extensions to the existing native reserves and declaring the Baralong Farms to be an additional native reserve. It would be necessary at the same time to extend the bounday fence between the Tuli Block and the Bemangwato Reserve to the Rhodesian border. This would have the excellent

* No. 20. † 8828/1925: not printed. ‡ 32413/1925: not printed. § 37725/1925: not printed.

effect of silencing the pro-Union agitators within the Territory and of depriving the Union Government of its most effective argument in support of incorporation.

5. In Basutoland educational requirements are very insistent. I have already approached you with suggestions for obtaining expert advice upon the present system, and the question of providing adequate funds for the schools is now under consideration. I am also in favour of the appointment in due course of a Judge for the three Territories and of the abolition of the post of Deputy Resident Commissioner of Basutoland. In practice that officer is almost entirely occupied with the judicial work of the Colony and reviews judgments of the lower Courts. The Judge so appointed could preside over the Sessions of the Special Courts in Swaziland and in the Bechuanaland Protectorate, and the savings effected would provide most of the money required for his salary. Mr. J. P. Murray, the present Deputy Resident Commissioner, is due to retire when he attains the age of sixty on the 18th of next March, and it will be necessary to give him early notification if his services are not to be retained after that date. The extension of one year granted to Sir Edward Garraway (see your despatch No. 20 of the 28th January*) expires on 10th March, 1926, and I consider the future of the Territory demands that a man of exceptional ability and energy should be appointed to succeed him. I recommend that the Government Secretary, Mr. Bosworth Smith, be appointed Deputy Resident Commissioner in place of Mr. Murray, but it would be necessary to warn Mr. Smith that, if it should be decided later on to make a change in the present judicial arrangements, he might be required to retire on pension before he reaches the age of sixty. Mr. Smith will be fifty-four years of age on the 23rd of January next.

6. The post of Government Secretary rendered vacant by the promotion of Mr. Bosworth Smith should, in my opinion, be offered to Mr. Shirley Eales, the Assistant Imperial Secretary in my office. To the appreciation of his services contained in Prince Arthur of Connaught's despatch of 5th December, 1923,† I should like to add a very strong recommendation. The duties of the Imperial Secretary demand that he should frequently visit the Territories on my behalf with the result that his assistant is often called upon to act as my chief adviser and to discharge the very important and often delicate and intricate duties connected with the work of this office and incidental to the peculiar responsibilities of the High Commissioner in South Africa. Mr. Eales has shown exceptional ability and energy and is a discreet and painstaking officer. His knowledge of the Territories and of the policy followed by past High Commissioners is invaluable, and I must confess that I should find it extremely difficult to replace him. But I do not think this consideration should be allowed to stand in the way of his promotion as it would always be possible temporarily to second him to this office should any special circumstances demand the undivided attention or absence of the Imperial Secretary on special duty.

7. I have in this despatch done nothing more than briefly refer to the numerous questions that demand consideration and settlement in the near future, but I have discussed them in detail with the Imperial Secretary, and I think it is very necessary that he should proceed to England this year to place my views on these and other matters before you. He had originally intended to apply for leave next year, but the experience of the Session that has just concluded has shown me that I could with difficulty spare him when Parliament is sitting and at a time when questions regarding the future of the Territories are so frequently raised. General Hertzog has informed me that he will not take any action in regard to Swaziland until after he has announced his native policy next Session, and I wish therefore to confirm my recommendation that Captain Clifford be granted three months' leave this year in order that I may avail myself of his presence in England to place my views on various important questions before you. In the circumstances I think he should proceed home on duty and be granted leave when his duties at the Colonial Office are concluded. In the event of your being unable to agree to this proposal I should recommend that the Imperial Secretary should be allowed to draw his full allowance while absent on leave.

I have, &c.,
ATHLONE,
High Commissioner.

* 60658/1924: not printed. † 62472/1923: not printed.

46346

No. 46.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 1.54 p.m., 13th October, 1925.)

TELEGRAM.

(Paraphrase.)

SECRET. 13th October. With reference to my Secret despatch of 29th July,* General Hertzog in the course of conversation has informed me that upon my return towards the end of this month from a short tour which I am making in the Orange Free State he would like to reopen the discussion of taking over Swaziland. I expect to be back in Pretoria on the 23rd October.

His desire to reopen the matter may possibly be connected with the forthcoming (?) Mozambique Conference. In reply to my inquiry whether the Union contemplated building a railway through Swaziland, he said that for the present the railway would be just over the Pongola River.—ATHLONE.

51446

No. 47.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 5.55 p.m., 14th November, 1925.)

TELEGRAM.

[*Answered by No.* 48.]

(Paraphrase.)

14TH NOVEMBER. My telegram of 13th October. Secret.† Up to the present Prime Minister of the Union of South Africa has not referred again to the question of the transfer of Swaziland to the Union. I have transmitted in my code telegram of to-day‡ the outline of the Prime Minister's proposals in regard to the future native policy in the Union as announced in public speech delivered by him yesterday at Smithfield.—ATHLONE.

39794

No. 48.

SOUTH AFRICA.

THE SECRETARY OF STATE to THE HIGH COMMISSIONER.

(Sent 2.15 p.m., 2nd December, 1925.)

TELEGRAM.

[*Answered by No.* 49.]

(Paraphrase.)

2ND DECEMBER. Your telegram 14th November.§ I propose as result of discussions with Imperial Secretary to address to you shortly a despatch‖ on the subject of the transfer of Swaziland to the Union. In the meantime consider it most important that General Hertzog should be discouraged from making any official application for the transfer of any of the South African High Commission Territories.—AMERY.

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* No. 45. † No. 46. ‡ No. 51411/25: not printed. § No. 47. ‖ No. 50.

54628

No. 49.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 9.35 p.m., 4th December, 1925.)

TELEGRAM.

[*Answered by No.* 52.]

(Paraphrase.)

4TH DECEMBER. With reference to your telegram of 2nd December,* I saw the Prime Minister this morning and mentioned to him the question of Swaziland. I broached the subject by saying that I had seen a recent report in the press (to which prominence was given in the *Johannesburg Star* of the 1st December) to the effect that the question of Swaziland was receiving the special attention of the Union Government. He deprecated such statements in the press, and as a result of the conversation which ensued I have no reason to believe that he has decided to make official application for transfer of any of the High Commission territories at an early date. I thought it advisable not to mention to Prime Minister that you were writing to me on the subject as I do not know whether the promised despatch will contain anything for communication to him immediately on its receipt.—ATHLONE.

39794

No. 50.

SOUTH AFRICA.

THE SECRETARY OF STATE to THE HIGH COMMISSIONER.

(Confidential.)

Downing Street, 4th December, 1925.

MY LORD,

ALTHOUGH the Government of the Union of South Africa have not officially raised the question of the transfer of the administration of Swaziland to the Union, I understand that General Hertzog has declared his intention to outline the Native Policy of his Government in the Union Parliament during the next session, and that this step is likely to be followed by a request for the transfer of the Swaziland Administration as provided for in the Schedule to the South Africa Act, 1909. I think that you will agree that it is desirable that you should discuss the matter fully and informally with General Hertzog before he takes any overt action which would commit him to a definite application for transfer. I have therefore decided to review, for your guidance, the considerations which would influence His Majesty's Government in coming to a decision in the event of their being approached on this question.

2. These considerations have been summarized in the attached notes which you may find it convenient to refer to in your conversations with the Prime Minister, but it may be helpful to amplify them here in order to explain more clearly the views of His Majesty's Government.

3. In proposing that you should discuss the matter with General Hertzog, I should explain that His Majesty's Government would not themselves regard the present moment, when the native policy of the Union is about to be subjected to radical revision, as a very opportune one at which to put forward a proposal for the transfer of Swaziland to the Union. It will be appreciated, however, that the present state of uncertainty, consequent on the various statements made during recent years indicating that an application for the transfer of the Territory must be regarded as imminent, is very embarrassing to His Majesty's Government, and makes it impossible to administer the Territory except in a purely hand-to-month manner. If, therefore, General Hertzog proposes to ask for the transfer of the administration next year, His Majesty's Government are prepared to discuss matters with him on that basis; if he does not, it would be desirable to arrive at an understanding as to the period for which the question is to be regarded as postponed.

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* No. 48.

4. In the event of General Hertzog deciding to apply for the transfer of the Territory, His Majesty's Government are bound by the pledges which they have made to submit the Union Government's proposals to the European and native inhabitants of the Territory. It will be readily appreciated that the greatest prudence would have to be observed in selecting the right moment to consult the inhabitants of the Territory and in framing the proposals to be submitted to them, since if the reception accorded the proposals were such as to render it necessary to withdraw the application, it would be hardly possible to revive the question for some years to come. I consider therefore that it is important that General Hertzog should submit his proposals to His Majesty's Government, and in the fullest possible elaboration, before any steps are taken to move addresses in both Houses as provided in Section 151 of the South Africa Act. I think also that General Hertzog will agree, in view of his statement in the Union Parliament on the 25th March, that it will be desirable that the consultation with the inhabitants should take place before any formal steps are taken in the Union Parliament.

5. I understand that although the Advisory Council have asked that Swaziland should be taken out of the Schedule to the South Africa Act they would become reconciled to the form of Government prescribed by it if Swaziland were granted representation as an electoral entity in the Union Parliament. The point to which they attach chief importance is that a guarantee should be given that the construction of a railway through Swaziland would be commenced immediately upon the transfer being effected, and it seems doubtful whether General Hertzog could hope to secure the concurrence of the white population unless such an undertaking were definitely given them. Whilst on this subject you might, if necessary, explain to him that, although the finances of the Territory do not permit of the Administration constructing a railway through the Territory, it is realised that if the Union Government should be prepared to undertake the construction of such a railway as part of its railway programme, it would be of the greatest benefit to the Territory, and that His Majesty's Government would not desire that such action should be made dependent upon the transfer of the Territory to the Union, and would be glad to afford all possible facilities.

6. The main concern of His Majesty's Government will, however, be in regard to the position of the natives who, it may be supposed, judging from their attitude hitherto, may not be inclined to regard with favour any proposal for transfer. It is therefore desirable that the Resident Commissioner should be in a position to explain fully to them to what extent the system of administration to which they are accustomed would be changed in consequence of the transfer of the Territory to the Union, and it would be necessary to ask General Hertzog to indicate how he contemplates that the system of administration outlined in the Schedule to the South Africa Act will be worked in practice, and how far the new native legislation proposed in the Union will affect the position of the Swazi natives.

7. Under the terms of the Schedule it is provided that it shall not be lawful to alienate any land forming part of the native reserves in Swaziland from the native tribes inhabiting the Territory, and assurances will naturally be desired by the Swazis that their native areas in Swaziland will be kept intact for their own use. The establishment of the native areas in Swaziland constituted an essential part of the general settlement of the difficulties which arose out of the concessions granted by the former Chief Mbandini, and it is laid down by Proclamation that the areas are set apart for the sole and exclusive use and occupation of natives of the Territory. The existing legislation also provides that no person other than a native of Swaziland shall, without the written permission of the Resident Commissioner, use or occupy any portion of a native area (except in the exercise of rights held under a mineral concession) and that before granting any such permission the Resident Commissioner shall satisfy himself that there is no objection on the part of the Paramount Chief and Council of Swaziland, or on the part of any natives who, in the opinion of the Resident Commissioner, are likely to be affected thereby. His Majesty's Government presume that no difficulty will be felt in accepting the view that these native areas must continue after transfer to be reserved for the natives of Swaziland, that the conditions on which persons other than natives of the Territory are allowed to reside in the native areas should be maintained and that any special regulations which may be required, after transfer, should be prescribed by the Commission to be set up under the Schedule to the South Africa Act.

8. It will be seen that reference to this Commission, and to the similar Commission established under the Union Act No. 23 of 1920, was made in the statement made on behalf of His Majesty's Government to the Swazi Deputation in 1923.* His Majesty's Government would wish the Resident Commissioner to be able to inform the natives, in submitting to them any proposal for transfer, of the names of the members of the Commission to be constituted under the Schedule to the South Africa Act. It will be noticed that the Schedule provides that the members of the Commission shall not be qualified to become or to be members of either House of Parliament, whereas the Union Act constituting the Native Affairs Commission provided that "notwithstanding anything to the contrary in the South Africa Act, 1909, a member of either House of Parliament may be appointed a member." This point needs to be borne in mind in the event of it being desired to use the Native Affairs Commission as the Commission to be constituted under the Schedule.

9. His Majesty's Government feel that much importance will be attached by the native community to the maintenance of the system under which the administration of justice in cases where natives are involved is entrusted to officers experienced in the ordinary duties of native administration. They think that it would accordingly be advantageous if the Resident Commissioner could assure the natives that the appointment of any new officers to such posts in the Territory after transfer would be dealt with as a matter on which the Commission to be set up under the Schedule would be consulted in accordance with the terms of Section 7 of the Schedule. In addition, they would wish to be able to inform the natives whom the Union Government proposed to appoint as the first Resident Commissioner.

10. It will, of course, be understood that in the event of the transfer of Swaziland to the Union, the Union Government must assume full responsibility for all financial obligations of the Administration existing at the date of transfer. It is assumed that the Union Government would repay the loan which the Administration has had from Basutoland (the amount of which is now £35,000) in addition to any outstanding advances made by the Crown Agents for the Colonies.

11. It will be observed that in the enclosed Notes attention is called to Section 17 of the Schedule, and it seems clear that the present restrictions on the importation of cattle from Swaziland into the Union would be inconsistent with this provision. You have already pointed out to the Union Government that these restrictions cannot be reconciled with the terms of the existing Customs Agreement between the Union and the High Commission Territories, and in the event of the transfer of Swaziland to the Union it is evident that they would have to be removed.

12. The above observations have been confined to the case of Swaziland, as it has been assumed that the Union Government do not contemplate putting forward any application at present for the transfer of the administration of either the Bechuanaland Protectorate or Basutoland to the Union. If, however, you should find it necessary to refer to these Territories in the course of your discussion with General Hertzog you should explain that His Majesty's Government would not feel able to entertain any such application in present circumstances.

I have, &c.,
L. S. AMERY.

Enclosure in No. 50.

Notes on the question of the transfer of the Administration of Swaziland to the Union of South Africa.

THE question of the transfer of the Administration of Swaziland to the Union is governed by the following considerations:—

(I) Pledges given by or on behalf of successive Secretaries of State to—
  (*a*) Parliament;
  (*b*) the inhabitants of the Territory;
(II) The conditions prescribed in the Schedule to the South Africa Act, 1909;
(III) The wishes of the inhabitants.

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* *See* No. 17.

I. Pledges given by His Majesty's Government.

When the South Africa Bill was before the House of Commons the Under-Secretary of State for the Colonies stated on behalf of His Majesty's Government that—

> "the House may rest assured—and I have the full authority of the Government and the Prime Minister for saying so—that it will have the fullest opportunity of considering the matter before the transfer of the Protectorates."

At a later stage of the debate he stated:—

> "The wishes of the natives in these Territories will be most carefully considered before any transfer takes place."

At the same time the former assurance was repeated with an additional statement, that the House

> "will have an opportunity of discussing, and, if they wish, of disapproving of the action of the Government."

In November, 1919, the following question was asked in the House of Commons:—

> "whether His Majesty's Government are considering any alteration in the status of the Protectorates of Swaziland, Bechuanaland, and Basutoland; whether the inhabitants will be consulted before any change in the status does take place, and whether the House of Commons will have an opportunity of debating the matter before any action is taken."

The answer of the Under-Secretary of State for the Colonies was as follows:—

> "The answer to the first part of the question is in the negative, and to the second and third parts in the affirmative."

In February, 1925, the following question was asked in the House of Commons:—

> "Whether the Secretary of State for the Colonies can give an assurance that no steps will be taken to concur in any way with the incorporation of Bechuanaland or Basutoland or Swaziland in the Union of South Africa before an opportunity has been given to this House to record its opinion on this matter of our responsibility for and to the native races,"

to which the Secretary of State made the following reply:—

> "In accordance with the pledges given when the South Africa Bill was before Parliament, the House will have the fullest opportunity of discussing, and, if they wish, of disapproving any proposed transfer of these Territories to the Union."

In the course of a statement in February, 1925, in the House of Lords, Lord Onslow stated on behalf of His Majesty's Government that if at any time His Majesty's Government should be asked to come to any decision in regard to any such transfer

> "they will not make any decision until the native population and the white population have had full opportunity of expressing their views, and any views they may express, and any representations which either the native population or the white population may make to His Majesty's Government will receive the most careful consideration before the Government come to any final decision in regard to the matter."

That the Union Government recognize that any question of transfer cannot be considered without reference to the views of the inhabitants is evident from the following statement made by General Hertzog to the Union Parliament on the 25th of March, 1925:—

> "Our position has always been as a party, that we are not prepared to incorporate in the Union any Territory unless the inhabitants of the Territory are prepared to come in."

II. The Schedule to the Act.

The conditions on which transfer may take place are governed by Section 151 of the South Africa Act, and the terms of the Schedule which were drawn up by the South Africa National Convention and accepted by that body and the Imperial Parliament as embodying certain principles and safeguards to native rights long recognized as essential.

Three important features of the Schedule which may be noted here are:—

(*a*) The provisions prescribing that no part of the native reserves may be alienated from the native tribes inhabiting the Territories (Section 14);

(*b*) The composition of the Commission charged with the duty of advising the Prime Minister in the administration of the Territories (Section 3);

(*c*) The provisions prohibiting the levying of any differential duties or imposts upon the produce of the Territories (Section 17).

The importance of the Schedule as a guarantee that the existing rights of the natives would not be prejudiced in the event of transfer was explained to the Swazi deputation in 1923 by the Secretary of State in the attached statement.* On this occasion the Secretary of State said, "I need hardly say that His Majesty's Government would not support in the House of Commons or elsewhere any proposal for transfer if it involved the impairment of such safeguards for native rights and interests as the Schedule to the South Africa Act was designed to secure."

III. Wishes of the Inhabitants.

(*a*) *European.*

The attitude of the white population has already been indicated by deputations from the Advisory Council to the High Commissioner and the Union Government, and in resolutions recently passed at various centres of Swaziland. These resolutions were to the effect that every possible effort should be made to secure from the Imperial Government the construction of a railway through Swaziland, with such adjustments in the Administration as will give the public a larger voice in the control of the finances of the Territory. Failing such assistance being forthcoming from the Imperial Parliament, it is asked that steps may be taken to arrange for incorporation in the Union, provided that:—

(i) Swaziland is removed from the terms of the Schedule to the South Africa Act;

(ii) The entity of the Territory is preserved and Europeans secure all franchise and other privileges and benefits of any and whatever description such as are enjoyed by the white population of the Union;

(iii) Railway construction through the Territory is undertaken, such railway construction to be commenced and continued uninterruptedly through Swaziland from the date of incorporation;

(iv) The native areas are preserved as at present demarcated; and

(v) The areas at present occupied by Europeans are preserved for their occupation.

It is clear from what has been set out in the preceding paragraphs of this memorandum that resolution (i) cannot be entertained by His Majesty's Government. In so far as resolution (ii) is not in conflict with the system of Government prescribed under the Schedule, His Majesty's Government have no objection to offer, and appreciate the desire of the inhabitants to be represented in the Union Parliament as an electoral entity. As regards resolution (iii), it is recorded in the report of the deputation which waited upon the Union Prime Minister on the 6th January, 1925, that General Hertzog stated "the Deputation could be assured that Union would mean railway development without delay for Swaziland." Railway development is obviously a question to which the white inhabitants attach paramount importance. Resolutions (iv) and (v) are in conformity with the views of His Majesty's Government.

(*b*) *Native.*

The natives have at frequent meetings with successive High Commissioners protested against the transfer of their territory to the Union, and as recently as the 14th July, 1925, submitted a Petition to this effect. It will be appreciated therefore that considerable hesitation on the part of the natives to agree to any change in the form of administration to which they are accustomed is likely to be manifested when the time comes to submit to them any proposal for the transfer of the Territory to the Union. It will accordingly be important that His Majesty's Government should be in a position to explain to them fully to what extent the present system of native administration would be changed in consequence of the transfer, and how it is contemplated that the system outlined in the Schedule to the South Africa Act will be worked in practice.

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* Printed as No. 17.

39794

No. 51.

SOUTH AFRICA.

THE SECRETARY OF STATE to THE HIGH COMMISSIONER.

(Secret.)

Downing Street, 4th December, 1925.

MY LORD,

I HAVE the honour to acknowledge the receipt of your Secret despatch of the 29th July,* in which you discussed certain problems connected with the administration of the High Commission Territories, and to thank you for your helpful review of the position.

2. The questions to which you refer have been very carefully considered in consultation with the Imperial Secretary, and I am addressing separate communications to you in regard to them. You will gather from my Confidential despatch† dealing with the question of the possible transfer of the administration of Swaziland to the Union, that I concur generally in your views. I have thought it better, however, not to adopt your suggestion as to communicating personally with the Prime Minister of the Union, since I feel that any attempt to guide General Hertzog in the matter of his native policy should be left to your discretion and that you will no doubt be able to make use of opportunities of discussing with him those aspects of his policy which might be of importance from the point of view of the natives of Swaziland in the event of the proposal for the transfer of the Territory being proceeded with.

3. In paragraph 4 of your despatch you have referred to the question of the transfer of the Bechuanaland Protectorate to the Union. If in the course of your discussions with him General Hertzog should raise this question, you should act on the assumption that His Majesty's Government would not be prepared to entertain any application for the transfer of the administration of the Protectorate to the Union in present circumstances; but you might consider whether it is possible to take any action with a view to removing his objection to the separate transfer of the Tati district to Southern Rhodesia. I do not, however, wish to be committed without further consideration to making any offer for the transfer of the Tuli or other European Blocks to the Union.

I have, &c.,

L. S. AMERY.

54628

No. 52.

SOUTH AFRICA.

THE SECRETARY OF STATE to THE HIGH COMMISSIONER.

(Sent 7.45 p.m., 8th December, 1925.)

TELEGRAM.

(Paraphrase.)

8TH DECEMBER. Your telegram of 4th December,‡ Swaziland. Despatch§ referred to in my telegram 2nd December‖ has been sent by mail of 4th December. I have suggested in this despatch that you should discuss matter fully and informally with General Hertzog before he takes any overt action which would commit him to definite application for transfer and the considerations which would influence His Majesty's Government in coming to decision in event of their being approached have been reviewed.—AMERY.

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* No. 45. † No. 50. ‡ No. 49. § No. 50. ‖ No. 48.

D. 1111

No. 53.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 1st February, 1926.)

(South Africa.)
(Swaziland.)
(Confidential.)

High Commissioner's Office, Cape Town, 15th January, 1926.

SIR,

WITH reference to my Confidential despatch of the 15th December, 1925,* I have the honour to transmit herewith a copy of a despatch from the Resident Commissioner of Swaziland regarding an interview which he had recently with the Paramount Chief and other Chiefs when the question of the transfer of the Administration of the territory to the Union was discussed.

I have, &c.,
ATHLONE,
High Commissioner.

Enclosure in No. 53.

(Swaziland.)
(No. 10.)

Resident Commissioner's Office, Mbabane, Swaziland,
6th January, 1926.

MY LORD,

I HAVE the honour to report that the Paramount Chief, accompanied by some of his Chiefs, came to see me recently, to ask whether I thought they should make official representations with regard to the newspaper report referred to in paragraph 2 of my despatch No. 375 of 12th [?10th] December, 1925. I replied that Your Excellency and the Secretary of State were aware of the attitude of the Swazis regarding the question of the transfer of the Administration of the Territory to the Union and reminded them of the promise given in both Houses of Parliament. I added that I did not think it necessary for them to take notice of the newspaper report.

2. Sobhuza then said "If the Union Government wants to take over the country do you think we should go in or not?" I replied that they should wait until the question was raised and the conditions known. He then went on to say, "We only saw the draft of the Prime Minister's native policy in the press. We do not know what the result will be of it. We hear that natives in the Union are still dissatisfied and yet in spite of that and before they settle the troubles of their own natives they wish to take us over." He added, "I agree, we must await developments."

I have, &c.,
D. HONEY,
Resident Commissioner.

Major-General His Excellency
The Right Honourable
The Earl of Athlone, G.C.B., &c.,
High Commissioner for South Africa.

D.1698

No. 54.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 15th February, 1926.)

(Confidential.)

High Commissioner's Office, Cape Town, 29th January, 1926.

SIR,

I HAVE the honour to report that at the interview with the Prime Minister referred to in my despatch Confidential of the 15th January,† General Hertzog

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* D. 164/26: not printed. † D. 1114/26: not printed. (This dealt with question of Union restrictions on import of cattle.)

asked if your despatch of the 4th December* which we had been discussing was of such a nature that a copy might be left with him to study at leisure. I saw no reason to refuse his request and instructed the Imperial Secretary to hand him a copy of the despatch and the "notes" under cover of the enclosed letter.

2. I transmit herewith a resumé of the conversation which took place on this occasion.

I have, &c.,
ATHLONE,
High Commissioner.

Enclosure 1 in No. 54.

Cape Town, 21st January, 1926.

DEAR GENERAL HERTZOG,

I ENCLOSE herewith, for your personal information, a copy of the Confidential despatch* from the Secretary of State which was discussed in Pretoria about the question of transferring the Government of Swaziland to the Union.

The despatch sets down the main principles on which His Majesty's Government would authorize me to open a preliminary discussion with you, though of course they may wish to make further representations should you desire to pursue the matter further.

Yours sincerely,
ATHLONE.

General
The Honourable J. B. M. Hertzog, K.C., M.L.A.

Enclosure 2 in No. 54.

HIS EXCELLENCY,

I HANDED your letter and enclosures regarding Swaziland to General Hertzog and told him that you would be prepared to discuss the question with him if he wished to do so after he had studied the Secretary of State's despatch.*

We discussed the transfer question generally, and I remarked that the Governor-General's speech at the opening of Parliament held out a prospect that there would be a lengthy discussion on his Native Policy during the present Session. The General replied that he did not contemplate giving the House any special opportunity for debating his proposals, but that he presumed Members would express their views when the Vote for Native Affairs was before Parliament.

I drew his attention to the fact that in the despatch I had handed to him the Secretary of State expressed the conviction that the present moment when his native policy was a source of acute controversy in the Union, was hardly an opportune one to raise the question of the transfer of Swaziland, and reminded him that the despatch also contained a warning against consulting the natives prematurely, as in the event of their opposition proving exceptionally keen His Majesty's Government might feel compelled to refrain from pursuing the question any further at the moment, in which event it would be difficult to raise it again for some time to come.

The Prime Minister said he fully appreciated this aspect of the problem and had told Pierce and Miller, who were anxious for a railway, that the process of assuming the administration of Swaziland would, of necessity, be a slow one. He frankly admitted having been in correspondence with Pierce and Miller, and expressed the hope that your Excellency would not mind as it was the only way in which he could obtain a frank expression of their views. He added, however, that he deprecated articles which appeared occasionally in the papers.

I presumed he must be referring to the attached article† reprinted from the *Johannesburg Sunday Times*. From this it would appear that the General had discussed the matter with Pierce and Miller, and possibly others, since Your Excellency read the Secretary of State's despatch* to him on 7th January. The "correspondent" is obviously very well informed, but the article certainly does not express the attitude of either Pierce or Miller with which we are so familiar, and

* No. 50. † Not reprinted.

it seems to me that the information it contains must, in spite of the General's protestations, have emanated from some Government source and is meant to prepare the public for the delay.

I availed myself of the opening to explain that His Majesty's Government would prefer to see the native policy of the Union take some definite shape before they were asked to transfer Swaziland, as it would be difficult for the Resident Commissioner to attempt to re-assure the Swazis by explaining the effect of the change of Government when, in the absence of the promised legislation, he could not himself predict what the effect would be! The General admitted the logic of this contention, and said that as a result of the attention he had recently devoted to the question he had come to the conclusion that it would be inexpedient to ask for Swaziland this year, or even until he was able to formulate a policy acceptable to a majority of the people of the Union. I replied that this might mean a delay of two or three years, and in the meantime development in Swaziland might be arrested. I reminded him that the Secretary of State was prepared to give all facilities for the construction of a railway in advance of transfer but in the meantime something would have to be spent on communications. I suggested that if he did not feel able to give a guarantee not to ask for transfer for five years perhaps he would not object if the accumulated deficit which he would have to take over were increased to the extent of a further £10,000 a year. We would be prepared, I thought, to let him know if our development schemes involved annual expenditure in excess of that amount. I made it clear that this was merely a suggestion of my own which might be raised when he was ready to discuss the question with Your Excellency. The Prime Minister replied that such an arrangement would be quite acceptable to him, but he said nothing about going ahead with the railway in the meantime.

In the course of the conversation the Prime Minister expressed regret that General Kemp had treated the question of imposing the additional restrictions on Bechuanaland cattle as a departmental one, and said he remonstrated with the Minister about it. However, a discussion in Cabinet had resulted in the decision that the Government was too deeply committed to cancel the notice, and he regretted that there was no alternative but to impose the restrictions as from 1st February.

I replied that your views were contained in the letter to the Department of Agriculture of 4th January, and that we had nothing more to add except that the Resident Commissioner would be notified of the Union Government's decision.

B. E. H. C.

25th January, 1926.

D. 3716

No. 55.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 6th April, 1926.)

[*Answered by No.* 56.]

(Confidential (2).)

SIR, High Commissioner's Office, Cape Town, 18th March, 1926.

WITH reference to my despatch, Confidential, of the 29th January,* on the subject of the transfer of Swaziland to the Union, I have the honour to forward, for your information, the enclosed notes of a conversation which the Imperial Secretary recently had with the Prime Minister.

2. A considerable section of the public in South Africa believes that General Hertzog has made a strategical blunder in re-introducing the "Colour Bar" Bill on the very eve of confronting Parliament with his new native legislation which contains many contentious provisions and contemplates a radical change in the native policy hitherto pursued in South Africa. As the proposal to abolish the native vote in the Cape involves an amendment of the South Africa Act, for which a two-thirds majority is required, the Prime Minister appealed to Members to regard the Bill as a non-party measure. Special overtures for co-operation have been made to General Smuts, but it is extremely doubtful whether either the Opposition or its

* No. 54.

leader will agree to support the scheme outlined by General Hertzog at Smithfield, and there is every indication that his proposals will also prove unacceptable to the Transvaal Nationalists. I am inclined, therefore, to predict that if the Prime Minister adheres to his resolution to postpone asking for the transfer of Swaziland until his Native Bill becomes law the Imperial Government may expect to have control of the Territory for some years to come.

3. Mr. H. M. Taberer, General Manager of the Witwatersrand Native Labour Association, who, by reason of the many responsible positions he has held in connexion with native administration all over South Africa, is regarded as a very reliable authority on native opinion, assures me that the discontent and unrest amongst the natives is far more serious than is generally supposed. As he enjoys their confidence to a marked degree they showed a readiness to confide in him and complained that they were being systematically driven from employment. Accustomed to regard the Imperial Government as the traditional champion of their cause they view with alarm such incidents as the removal of the King's head from the postage stamps which, not unnaturally, they interpret as an indication that Imperial prestige and influence in the Union is on the decline and that the Boers are gradually securing, without a challenge, the predominant position in the land. He has gathered from natives recruited by his Association from the High Commission Territories that the Swazi, Basuto and Bechuana are, in varying degrees, strongly opposed to their respective countries being transferred to Union, and he does not think there is any prospect of obtaining from them even a sullen acquiescence in such a change. He also informed me that when he was recently invited to Cape Town by the Prime Minister to consult with him on certain native questions he did not hesitate to give General Hertzog a very frank account of his impressions.

4. I am still of the opinion that the present is not an opportune moment to consider the transfer of Swaziland to the Union and I am content that the Prime Minister should wish to postpone the question for one or two more years. In the meantime, I feel that we must do the best we can to assist the inhabitants with small annual advances for development purposes.

I have, &c.,
ATHLONE.
High Commissioner.

Enclosure in No. 55.

YOUR EXCELLENCY,

I SHOWED the Prime Minister the Secretary of State's telegram of the 11th March,* and asked him when we might expect to hear whether the contribution of £10,000 towards the cost of extending the Pongola Railway to the Swaziland border had been accepted. I understand Cabinet is considering the Veterinary aspect and the question of granting us the Railway rates which are enjoyed by Southern Rhodesia under Section 11 of the Rhodesian Customs Agreement.

2. I also availed myself of the opportunity to ask General Hertzog whether he had studied the copy you gave him of the Secretary's of State's despatch of the 4th December† concerning the transfer of Swaziland to the Union. I drew his attention to Section three of that despatch and explained that, as we were asking the Secretary of State to advance £17,197 for development during the coming financial year, Your Excellency would like to have some idea of the length of time that would elapse before he was in a position to raise definitely the question of transfer in order that you might be able to make more satisfactory arrangements for the administration of the Territory in the immediate future.

3. The Prime Minister replied that he had asked the Union Treasury to submit a memorandum on the financial commitments involved in order that he might prepare a statement of the Union Government's position in reply to the full and frank summary of conditions set out by the Secretary of State in his despatch of the 4th December already referred to. Though he did not speak very explicitly on the point, I gathered that it was his intention to ask for some modification of the Schedule, at any rate in so far as it applied to European interests and property in the Territory. He hoped, he said, to get his Native legislation into shape during the forthcoming recess, and anticipated that a Bill would be submitted to the House in February,

* D. 2378/26: not printed. † No. 50.

1927. He explained that he had definitely made up his mind, as advised by Your Excellency, to postpone raising the question of the transfer of Swaziland until the fate of his Native policy, or a suitable compromise based upon it, had been decided by the House during the next Session. He therefore felt able to assure Your Excellency that Swaziland would remain under Imperial control at least until the end of the financial year terminating on 31st March, 1928. He again repeated the undertaking referred to in the memorandum accompanying your despatch to the Secretary of State of the 29th January,* to the effect that the Union Government would be willing to assume responsibility for any sums in excess of Revenue that the Imperial Government might feel inclined to advance during the interval—including the £17,197 authorized for 1926-27—and the accumulated deficit at the time of transfer.

4. In referring to the appointment of Mr. Le Roux van Niekerk, a Transvaal Nationalist Member of Parliament, to succeed General Lemmer on the Native Affairs Commission, the Prime Minister observed that, in the event of the Commission being charged with duties entrusted to the Commission prescribed under Schedule, it would always be possible to add to the present personnel additional non-political members. This arrangement does not appear to me to be very satisfactory as I am of the opinion that the mere presence of Members of Parliament on the Commission will be sufficient to bring political influence to bear upon the deliberations of the Commission as a whole. I did not think it advisable, however, to mention my apprehensions on this point to General Hertzog.

B. E. H. C.

17th March, 1926.

D. 3716

No. 56.

SOUTH AFRICA.

THE SECRETARY OF STATE TO THE HIGH COMMISSIONER.

(Confidential (2).)

MY LORD, Downing Street, 21st April, 1926.

I HAVE the honour to acknowledge with thanks the receipt of your Confidential (2) despatch of the 18th of March,† relating to native affairs in South Africa and the question of the transfer of the administration of Swaziland to the Government of the Union of South Africa.

2. I have read the despatch with great interest.

I have, &c.,
L. S. AMERY.

D. 4605

No. 57.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 27th April, 1926.)

[*Answered by No.* 61.]

(Confidential (2).)

SIR, High Commissioner's Office, Cape Town, 9th April, 1926.

I HAVE the honour to transmit herewith copies of two despatches from the Resident Commissioner of the Bechuanaland Protectorate, dated the 28th March, transmitting a Petition addressed to His Majesty the King from the European inhabitants of the Lobatsi, Gaberones and Tuli Blocks.

2. I propose to submit my observations‡ on the Petition at a later date.

I have, &c.,
ATHLONE,
High Commissioner.

* No. 54. † No. 55. ‡ No. 59.

Enclosure 1 in No. 57.

(H.C. 124.)

Resident Commissioner's Office, Mafeking.
28th March, 1926.

My Lord,

I have the honour to transmit herewith, in triplicate, a Petition addressed to His Majesty the King by European inhabitants of those areas of the Bechuanaland Protectorate which are known respectively as the Lobatsi, Gaberones and Tuli Blocks of farms, praying that, for the reasons set forth in the Petition, His Majesty be graciously pleased to consider the advisability of causing steps to be taken for the inclusion of the above-mentioned areas in the Union of South Africa or, in the alternative, for such alteration in the machinery of their Government as will secure an amelioration of the economic conditions under which they live and give them a voice in the control of their own destinies.

2. I enclose a copy of Mr. H. C. Weatherilt's letter requesting me to forward the Petition, also a copy of my acknowledgement thereof.

I have, &c.,
J. Ellenberger,
Resident Commissioner.

His Excellency
The High Commissioner,
Cape Town.

To His Most Gracious Majesty the King, King of Great Britain and Ireland and the British Dominions beyond the Seas, Emperor of India, Defender of the Faith.

The Humble Petition of Inhabitants of the Bechuanaland Protectorate sheweth:—

We, the undersigned, are Your Majesty's faithful subjects, inhabitants of a portion of the territory known as the Protectorate of Bechuanaland in Africa, and, together with our families, constitute practically the whole of the white population of certain blocks of land therein, viz.:—the Lobatsi, Gaberones and Tuli Blocks embracing an area of 2,000 square miles.

We are a small community, numbering only some 600 men, women and children, and our territory, though in itself not inconsiderable, forms but a fragment of the 275,000 square miles which is the total area of the Protectorate.

The object of this our Humble Petition is to obtain Your Majesty's gracious consideration of some alteration in the machinery of our Government calculated to secure an amelioration of the economic conditions under which we live and to give us a voice in the control of our own destinies.

For the reasons which we hereinafter set forth, our lot is not an easy one, and the circumstances naturally attending settlement in a new and remote country are complicated in our case by intimate contact with native races, of retarded development and primitive outlook, and by the cares of an administration who must rule in sympathy with those native races and refrain from adopting any measure beyond their comprehension or desires.

Our position is thus rendered very difficult as we constitute in their midst a tiny fragment of twentieth century civilization with all its ambitions and inherited ideals, political and economic; and we think it is probably inevitable that the incompatibility of the two has produced a problem which the present Government of the Protectorate has failed to solve.

And yet we venture to think that all the great questions raised by the clash of colour, the political rights of small communities and the prestige of Europeans are involved in our cause.

We have from time to time approached the Protectorate Government and have addressed both the High Commissioner of South Africa and Your Majesty's Principal Secretary of State for Colonial Affairs with a view to obtaining such radical alteration of administration as is compatible with our stage of civilization and commensurate with our British heritage.

This has been in vain, and for one reason or another we have been informed that it is not possible to dissociate the administration of our portion of the territory

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from the rest of the Protectorate, and we are therefore constrained to fall back upon what we believe to be our most ancient constitutional right, that of addressing this Humble Petition to Your Most Gracious Majesty in person, praying that the importance of our cause may not be measured by the relative insignificance of our numbers, and that Your Majesty will cause right to be done. (Copy correspondence with Resident Commissioner, Annexure "A" hereto.*)

At the outset we wish to emphasize that we are not intruders into this territory, mere adventurers taking the risk of whatever might eventuate, nor did we come without the countenance and invitation of the Government of the day.

We did not of our own motion attack and overcome the resistance of aboriginal native inhabitants, thus taking the risk of all consequences of our action upon our own shoulders; rather did our advent and settlement in these territories form a step in the calculated polity of British expansion at the end of the nineteenth century.

The proof of this all-important consideration lies in the history of the Protectorate and consequently its chief events must be summarised.

Herein we beg leave to refer to the map forming Annexure "B" hereto,† which shows the geographical position at a glance.

In 1885, the Bechuanaland Protectorate under the Crown was proclaimed by Sir Charles Warren, and on the 29th October, 1889, Her Majesty Queen Victoria granted a Royal Charter to the British South Africa Company according to that corporation powers of Government over and the right to exploit mineral and commercial resources in territories including our own and much of the Protectorate area.

These limits were more expressly defined by Order in Council of the 9th May, 1891.

On the 10th June, 1891, a Proclamation was issued in Her Majesty's name defining the authority of the Resident Commissioner in Bechuanaland.

At this time it was apparently contemplated that the territories now known as Bechuanaland and Rhodesia should be under one administration both for Government and economic development, namely, that of the Chartered Company; but native sentiment was expressed so strongly against this proposal that in 1895 three of the most important chiefs visited England and lodged a protest.

The protest was, in the main, successful, and the position of the native chiefs and their tribes as well as the boundaries of their territories were defined in a letter sent from the Colonial Office to the Reverend W. C. Willoughby, the terms of which were published in a Blue Book (C—7962 No. 35).

The latter proved to be a most important constitutional document in the history of the Protectorate and the principles enunciated therein have formed the basis on which British policy in the territories thenceforward rested.

All lands deemed to be necessary for railway purposes were voluntarily ceded by the chiefs and in November, 1895, a despatch from the Colonial Secretary advised the High Commissioner that the Chartered Company were to consider themselves owners of as much of the Tuli Block as had hitherto belonged to these chiefs and the right to make roads to and from the railway to native territory was reserved.

The southern portion of the territory from Ramathlabama South to Griqualand West, Cape Colony, was annexed by Her Majesty and became part of the Colony of the Cape of Good Hope.

The same year that saw the government of the Bechuanaland Protectorate sketched in these broad lines saw the raid of Doctor Jameson and his followers on the Transvaal Republic, as a result of which the projected activities of the Chartered Company in Bechuanaland Protectorate were restricted and a separate administration developed, but no provision for white settlement was made.

For various reasons the railway which it had been intended to run through the Tuli Block was then diverted to its present route in the West.

In the years 1904-5 the question of title to land in what is now our territory came up for determination.

By Order in Council of the 16th of May, land abandoned by the chiefs was vested in the High Commissioner; and by Proclamation No. 4 of the 7th May, 1905, the Lobatsi Block; by Proclamation 12 of the 7th June the Gaberones Block; and by Proclamation 13 of the 13th June the Tuli Block, were absolutely vested in the British South Africa Company.

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* Not printed. † Not reproduced.

In the years 1905-6 Europeans were settled in the above three blocks, the land being sold or leased to them by the British South Africa Company on terms which reserved to the Company all mineral rights, and provided for the payment of an annual quit rent by persons to whom farms were allotted.

It was under these circumstances and at that time that Your Majesty's Petitioners and their families entered on their present possession and careers.

It remains to be observed that in 1910 by Order in Council of the 10th of January all lands in the Protectorate except native reserves and grants duly made, with the exception of the lands in the Tati District, were vested in the High Commissioner as Crown lands, and in 1911 by Order in Council of the 4th May the Tati District was also vested in Your Majesty.

From the year 1907 to the present time Your Majesty's Petitioners have worked incessantly on the lands so acquired by them and developed them to the utmost of their capacity.

We were pioneers of civilization in a country inhabitated by aboriginal natives of Africa, who, though peaceable and in general well behaved, were so remote from us in thought, in feeling, ambitions and capacity, that any approach to assimilation is repugnant and indeed impossible.

The relative number of settlers and natives and their distribution throughout this huge area falls next to be considered.

We attach hereto (Annexure "C"*) the census returns of 1921, which give the total white population as 1,743, Indians and Asiatics are shown as 52, Coloured persons 1,003 and Natives 150,185.

Of the white population of the whole area of the Protectorate, 560 inhabit the Tuli, Gaberones and Lobatsi Blocks, and are directly and indirectly Your Majesty's Petitioners herein.

The native inhabitants of our three blocks were shown at the same census as 2,767 men, women and children. With the exception of one petty chief, Gaberone and his tribe, who inhabit a portion of Gaberones Block, of which the chief has a life tenancy from the British South Africa Company, these native inhabitants have moved into our blocks voluntarily as our servants; and the position in the 2,000 square miles of our territory is therefore quite distinct from that of the rest of the Protectorate in that the land belongs to Europeans and is intended for permanent settlement by them.

The future of the Tuli, Gaberones and Lobatsi Blocks may, therefore, we humbly submit, without any injustice be considered and dealt with from the point of view of the interests of its white inhabitants alone.

It is no part of Your Petitioners' case to dispute the great, or, even paramount importance of the obligations undertaken to the natives in the rest of the country when the Protectorate was declared.

We further desire to point out that the case of Your Majesty's Petitioners is distinct from that of the white inhabitants of the native reserves or Crown lands.

We, or most of us, are settlers in the primary acceptation of the word, and depend upon farming and ranching for our existence and advancement, and hope therefore that our circumstances may be considered apart from the considerations that arise from the relations that should prevail between white traders and their customers in native areas.

We humbly submit that the three blocks which we inhabit might be separated politically from the rest of the Protectorate without the infringement of any undertaking given to the natives of the Protectorate, without compromising in any way the future of the white inhabitants of other parts of the Protectorate, and without any inconvenience from the administrative point of view.

That such a separation is from all points of view desirable we confidently submit to Your Majesty's gracious consideration.

But all our efforts to make good this point with the present administration have been defeated.

We are now treated as an integral part of a huge Protectorate whose inhabitants are natives of the Bantu race amongst whom a few white settlers can scarcely be distinguished. Yet the life of a European on his farm must always offer a marked contrast to the life of a native in his kraal.

Both are interested in cattle breeding it is true, but in their methods they are poles asunder.

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* Not printed.

Our country is a good country in soil, thoroughly suitable for ranching, dairying and growing cotton and in climate thoroughly suitable for white settlement.

Our land has been transformed with homesteads, dams, fences, cattle dips, and roads, but the life of the native and the tillage of his soil remains as it was before the coming of the white man.

We cannot live and maintain our families up to a white man's standard without a large export trade, but the native can well do without it and desires nothing so much as to be let alone to follow the practice and customs of his ancestors.

The destruction of locusts, and the extinction of cattle diseases, the production of the highest grade of beef, wool and dairy produce and the marketing of all these products to the best advantage is a matter of life or death with us; whereas the native could regard with equanimity the complete closing of his borders and his isolation from the markets of the world.

The native in his outlook is socialistic and conservative, we are individualistic and progressive.

The mixing of the two or the adoption of a common policy for both races can only be accomplished by force and in the teeth of traditions; we are convinced that separation and separate development can alone give justice to either.

We desire to particularize certain features of the administration and to show how it has failed and is likely to fail to meet our legitimate wants.

The Government of Bechuanaland Protectorate is conducted as a whole and is, under the orders of Your Majesty's High Commissioner for South Africa, administered by a Resident Commissioner appointed by Your Majesty's Principal Secretary of State for Colonial Affairs.

The Resident Commissioner does not live in the Protectorate, but outside its south-eastern boundary at Mafeking, where he and the higher officials of the administration are housed in an Imperial Reserve.

That the seat of government should be located outside the territory to be administered is in itself a drawback probably accepted from arguments of convenience where a railway at the door may secure easy communication with the High Commissioner at either Pretoria or Capetown. From whatever cause arising, the fact that the seat of government lies outside Bechuanaland Protectorate is, we venture to submit, in the highest degree unfortunate.

One of the chief advantages of a local government is that officials absorb from their surroundings and the atmosphere in which they live an appreciation of the problems of the community they are called upon to govern.

In the present administration of Bechuanaland Protectorate this advantage is lost, and there is this further financial disadvantage that out of a small revenue a large proportion is consumed in charges spent at the seat of the government, that is to say, outside the country where the money is raised.

We feel that this is not only a hardship to us, but a loss to Bechuanaland Protectorate.

In 1921 a European Advisory Council was constituted consisting of six members elected by the white inhabitants, one from each of our blocks and one each from the Tati and Ghanzi Districts and one electoral division unrepresented.

This Council has no power of any sort but annually meets the Resident Commissioner and other officials when complaints and aspirations may be tendered, but the opportunity of offering advice is limited as the Annual Estimates must be approved by His Excellency the High Commissioner before being submitted to the Council.

This is the more regrettable as fresh taxation may be imposed on the white inhabitants at the sole will and pleasure of His Excellency, whereas fresh taxation for the natives must be explained to them and approved by them before it can be levied.

The Advisory Council has in vain urged that it should have an opportunity of considering the Estimates before their submission to the High Commissioner, so that he may have an opportunity of considering any representations they may make before signifying his approval of the official proposals.

At the same time we wish to state that we have no complaint of harshness or unfairness to bring against the individual officials; on the contrary, several of us have served on the Council from time to time and readily bear testimony to the courtesy and goodwill at all times shown by the Resident Commissioner and his Staff.

It is the system of which we complain.

A more close association of the inhabitants with the raising and spending of revenue is much desired and although it is recognized that the possession of power must bring corresponding responsibilities, we are prepared to accept both.

The Council has not always succeeded in getting the information it desired.

Questions have been put to the Resident Commissioner as to the incidence of taxation on the white and native inhabitants respectively but no reliable figures have been available, and a feeling of uncertainty prevails.

The institution of the Council does not form a step towards the closer association of the inhabitants in the administration of their territory, and further in its constitution there is failure to recognize the distinction between the blocks set apart for white settlement and the rest of the Protectorate.

An examination of the Revenue and Expenditure Account of the Protectorate will, we submit, support our contention that they are both wholly insufficient for the development of this vast estate.

The total Revenue raised for the six years 1918-1924 was :—

	£
1918-1919	80,282
1919-1920	81,564
1920-1921	101,765
1921-1922	84,977
1922-1923	91,994
1923-1924	99,994

These figures sufficiently indicate the diminutive scale of the activities of our Government at a time when nothing but the most vigorous forward policy can attract the necessary men and capital.

Land, communications and minerals alike call for it.

The sources of revenue are also significant.

The figures given hereunder are typical except that the returns from income tax and poll tax are included which did not figure before the year 1922-1923.

Revenue 1923-1924.

	£
1. Hut Tax	31,999
2. Customs and Excise	22,810
3. Posts	13,463
4. Licences	5,051
5. Revenue Stamps	546
6. Judicial Fines	275
7. European Poll Tax	1,198
8. Income Tax	14,654
9. Rentals and Transfer Duty	450
10. Export Duty on Cattle (and Fees)	7,068
11. Bechuanaland Protectorate Native Fund contribution	1,612
12. Miscellaneous	868
	£99,994

The cost of administration absorbs nearly the whole of this slender revenue, approximately 60 per cent. going in the maintenance of law and order and the remaining 40 per cent. being devoted to postal service, public works, medical, veterinary, educational and miscellaneous expenditure.

We abstract the following figures showing the Expenditure for the same year :—

	£
Pensions	3,787
Resident Commissioner	8,316
District Administration	9,951
Legal	4,152
Police	24,221
Commissions paid to Chiefs for collection of Native Tax	3,476
Posts	4,586
Miscellaneous	2,512
Public Works	4,724

	£
Medical	6,309
Educational	1,825
Veterinary	7,715
	£81,574

The votes for public works, medical, educational and veterinary totalling £20,573 can alone be regarded as in any sense remunerative.

A statement of Revenue and Expenditure for the six Financial years, 1918-1924 is attached hereto (Annexure "D"*) from which it will be seen that the expenditure over the whole period is of the same character as the year we have referred to, and the amounts do not show substantial variation.

Taken as a whole the figures for Revenue and Expenditure show stagnation and an outlook so hopeless that we are constrained to seek Your Majesty's gracious intervention on our behalf.

Cattle breeding is the chief industry of the whole country and the profits therefrom are the foundation of the revenue.

In the Lobatsi Block, which has an area of 40,000 morgen, it is estimated that there are 10,000 cattle; in the Gaberones Block, with 50,000 morgen, there are 5,000 cattle; and in the Tuli Block, which covers 500,000 morgen, there are 25,000 cattle. (A morgen = 2·11654 Imperial acres).

Owing to the prevalence of pleuro-pneumonia, we can only export cattle to the Union of South Africa under quarantine conditions, that is to say despatch stock to Johannesburg for immediate slaughter, or if cold storage works are established, to Europe.

Notwithstanding the efforts of the Veterinary Department, pleuro-pneumonia is and has been for many many years enzootic, specially in the Bamangwato Reserve, inhabited by some 58,000 natives.

We are taxed to maintain this Veterinary Department which absorbs on an average £9,000 a year of the slender revenue, and yet the disease still has us in its grip.

We altogether decline to assent to the proposition that it is impossible to stamp it out, but the passive resistance or apathy of the natives has so far defeated all efforts to do so.

Not only are our exports reduced in value but our herds are constantly exposed to loss by disease and the money invested to a risk that would not, we think, be tolerated in other parts of the Empire.

The cow and the ox are and must for many years to come remain the basis of our well-being; and any breach of the conditions laid down by the Veterinary Department constitutes a grave crime against the whole community and should be visited with penalties, which it is apparently impossible to exact from the Bechuanas. At this point we would beg leave to refer to the Report of the Veterinary Officer, dated 31st March, 1914 (Annexure "E"*) to the copy Veterinary Return for March/December, 1924 (Annexure "F"*) and to pages 13 to 18 and 26 to 29 of the Minutes of European Advisory Council, 1925 (Annexure "I"*). From these it will be seen that the hopes expressed in 1914 of the speedy eradication of lung sickness have not been realized. The Veterinary Reports for 1925/6 will, it is anticipated, show the position to have become worse.

To the Union of South Africa we have to look for the collection of Customs Duties, for the maintenance of the postal service, and for clearance of the locust pest, to the Union we have to look for markets and must always negotiate on these and kindred matters through a Government mainly concerned with the susceptibilities of unprogressive natives.

A railway traverses the territory from north to south but there are few suitable roads to feed the traffic and in the northern portion others are denied us to enable us to make full use of the system; it exists, but is chiefly used as a corridor connecting Rhodesia with the sea.

There is no mining industry in Bechuanaland Protectorate and nothing whatever is being done to develop the mineral wealth of the country. As already pointed out, the Chartered Company own the mineral rights of our territory, and we see no

* Not printed.

reason why they should not be encouraged and even compelled to test and exploit them, or why Bechuanaland Protectorate should not be subjected to the same generous Mining Laws as prevail in Rhodesia where encouragement is given to anyone willing to prospect.

The opportunity of getting discoverer's rights in a rich mine is a sufficient inducement to attract men and money for this class of adventure. The history of South Africa proves it.

The Transvaal was a poor country till its minerals were developed and, for anything that is known to the contrary, our country may contain similar riches.

Rhodesia, too, has largely depended upon the exploitation of its mineral resources. Yet we, a poverty-stricken community are condemned to remain idle with a potential source of wealth untapped and even unexplored.

On all occasions when the development of the mineral resources has been pressed on the Government, the answer forthcoming is that it is not in the interests of the natives.

Roads and mines can hardly be said to exist, nor are we even in a position to offer land to capitalists who might be willing to construct new railways by private enterprise.

With the example of some of the States of the American Union before us, we feel confident that under a progressive Government it would be possible to offer sufficient inducements for the employment of foreign capital whereby our natural resources might be used.

The construction of a railway to Walfish Bay has been discussed and will doubtless be undertaken in the near future.

We humbly, but with confidence, submit that our position and needs should be considered when such works are undertaken, and that we ourselves are best qualified to represent our interests, or at any rate, that the Government of the day which will then act on our behalf, should be free of the cross currents of native opinion which weigh so heavily on the present administration.

Our aim and object is to secure a severance of the territory we inhabit from that of the rest of the Protectorate, and we hope to be linked up in some fashion with the great white communities of South Africa whose population, ideals and political heritage are the same as our own.

Existing conditions choke us and impose an artificial barrier to progress, but we would be untrue to ourselves and fail in our duty did we leave the impression that material considerations alone stir us to action.

We desire most earnestly to regain our status as part of a self-governing community, a status which when we entered the Protectorate we agreed only temporarily to forgo.

Our Humble Petition is that Your Majesty will take such steps as your wisdom may dictate to end the present unsatisfactory state of affairs.

A glance at the map shows that the inclusion of our territory in the Union of South Africa would be the readiest means of overcoming the various difficulties that we have pointed out, and we humbly beg that Your Majesty will be graciously pleased to consider the advisability of causing steps to be taken to this end.

Should, however, any alternative scheme be found more acceptable, we will do our utmost to co-operate with any of Your Majesty's Officers in carrying the same to a successful conclusion.

And we, as in duty bound, hereto subscribe ourselves Your Majesty's most humble and faithful subjects.

December, 1925.

Palla, Palla Road, B.P., 15th March, 1926.

His Honour
The Resident Commissioner,
Bechuanaland Protectorate.

YOUR HONOUR,

I BEG to inform you that I have forwarded to you under registered cover a Petition to His Majesty the King, from the inhabitants of the Lobatsi, Gaberones and Tuli Blocks, the subject matter of which is already familiar to you.

I have to respectfully request that you will be good enough to cause the same to be forwarded to His Majesty, through the proper quarter.

Accompanying this are two printed copies which it is hoped that His Excellency the High Commissioner and yourself will accept.

I am, &c.,
H. C. WEATHERILT,
on behalf of Petitioners.

Resident Commissioner's Office, Mafeking,
26th March, 1926.

SIR,

I BEG to inform you that I am transmitting to His Excellency the High Commissioner a copy of your letter of the 15th March and of the Petition, referred to therein, addressed to His Majesty the King by the European inhabitants of the Lobatsi, Gaberones and Tuli Blocks.

As the Colonial Office Regulations require that communications of this nature be transmitted in triplicate, I am sending with the Petition the two printed copies thereof which you asked that His Excellency and myself would accept; I thank you cordially, however, for your courtesy in the matter and if you can possibly spare two other printed copies to replace those above referred to, it will afford me pleasure to transmit the one to Lord Athlone and to keep the other.

I am, &c.,
J. ELLENBERGER,
Resident Commissioner.

H. C. Weatherilt, Esquire, J.P.,
Palla,
P.O. Palla Road,
Bechuanaland Protectorate.

Enclosure 2 in No. 57.

(Confidential.)

Resident Commissioner's Office, Mafeking,
28th March, 1926.

MY LORD,

WITH reference to my despatch No. 124 of to-day's date, transmitting a Petition in which European inhabitants of the Lobatsi, Gaberones and Tuli Blocks pray that these areas may be incorporated in the Union of South Africa or that they be granted relief in other ways, I have the honour to submit the following observations on the Petition:—

1. When the Chiefs Khama, Sebele and Bathoen visited England in 1895 they ceded to the Government certain lands which, by Order in Council dated the 16th day of May, 1904, were declared Crown Lands, and all rights of His Majesty in or in relation thereto were vested in the High Commissioner for South Africa who was empowered to make grants or leases of such lands on such terms and conditions as he might think fit, subject to any directions received from one of His Majesty's Principal Secretaries of State. Title to these lands was subsequently granted to the British South Africa Company, subject to certain reservations (see Bechuanaland Protectorate Proclamations Nos. 13, 12 and 4, of 1905, and No. 10 of 1914). The Company divided them into farms and these three areas are now known respectively as the Tuli Block, the Gaberones Block and the Lobatsi Block of farms.

2. The Petitioners were not "invited" by the Government of the day, as stated on page 4 of the Petition to occupy these farms, nor is it correct that (page 8) they "were settled" thereon; they entered the Territory of their own accord, several of them as traders and in other capacities long before 1905-1906, and settled of their own free will in the three Blocks, well knowing at the time the form of Government under which they were placing themselves.

3. They gradually grew dissatisfied however and when, in 1919, the increasing demands on public funds (due mainly to the existence of lung-sickness in the northern portion of the Protectorate, the enormously increased cost of Administration both in personnel and material and the increasing needs of the population, both European and native, in the way of more Magistrates, educational facilities, etc.)

necessitated the imposition of additional taxation upon all inhabitants of the country, including Europeans, and the latter were called upon under Proclamation No. 48 of 1919 to pay a half-yearly tax of sixpence on every head of cattle owned by them within the Territory, they lodged very strong protests; there appeared to be a feeling amongst them that they were being over-taxed for the benefit of the native whereas, in fact, the cost of administering the Protectorate, including such services as the Government had been able to render to the European community, had until then fallen almost entirely upon revenue derived from native sources. Some of the Europeans objected to any form of taxation other than native, others recognized the necessity and the advantages which they might expect to derive from it, but all seemed to resent being taxed without being consulted.

The establishment of a European Advisory Council was then decided upon, its members being elected by the people themselves and its object being to afford a means of orderly and reasonable discussion on matters directly affecting the European inhabitants of the Territory, and of suggesting alternatives in regard to taxation of Europeans.

4. The reasons for the general discontent among Europeans were set forth in a letter addressed on the 22nd June, 1922, by the members of the European Advisory Council to my predecessor in office: a copy of that letter, together with a copy of the reply thereto and of further correspondence on the subject, will be found in Enclosnre A* to the Petition. These reasons have been embodied in the Petition and various other arguments have been brought forward in support of the Petitioners' request that the future of the three Blocks be considered and dealt with from the point of view of the interests of its white inhabitants alone, and that they be separated politically from the rest of the Protectorate.

5. On page 9 of the Petition they state that the natives are "so remote from them in thought, in feeling, ambitions and capacity, that any approach to assimilation is repugnant and indeed impossible," and on page 13 that "the mixing of the two, or the adoption of a common policy for both races can only be accomplished by force and in the teeth of traditions"; some of them appear to have forgotten that for years they lived as traders, et cetera, among these very natives and that they owe to them much of the prosperity which has enabled them to acquire land in the Blocks and to turn their present trading concerns in the Native Reserves into companies of which they would surely not be retaining the controlling interests if it did not pay them handsomely to still carry on business among these natives "of retarded development and primitive outlook" (page 2), and who are not too remote or repugnant and imposaible to be enrolled in large numbers as servants within the "territory" of these would-be kinglets (see pages 9 and 10).

6. On pages 13, *et seq.*, certain features of the Administration have been particularized in an attempt to show how it has failed, and is likely to fail, to meet the Petitioners' legitimate wants:—

(*a*) *Seat of the Government being outside the territory.* To move it to some place within the territory would be a costly affair, beyond the means of the Administration. The "railway at the door" secures communication with the Lobatsi and Gaberones Blocks just as it does with the High Commissioner at Pretoria or Cape Town, and, if the seat of Government were within the territory, the Tuli Block being some distance off the line of railway would not be more easily reached than it is under present circumstances.

It is not so much the fact that the seat of Government is outside the territory which is "in the highest degree unfortunate" but the fact that the work of the Resident Commissioner's office has gradually attained such proportions that he can very seldom absent himself, and even then for very brief periods only, to visit the people of the territory and discuss their problems with them. That is where "the system" (page 16) is wrong; it is no doubt interpreted by the Petitioners as lack of interest in and sympathy with them, and—I cannot sufficiently emphasize this—is most detrimental to the Administration in its relations alike with the European and native populations.

Lord Selborne's saying, twenty years ago, that, however perfect our system of Administration is, its weak point lies in the fact that a responsible officer, who should travel about and make himself acquainted with the people and their difficulties, is tied down to a desk, has never, in the history of the

* Not printed.

Protectorate, proved truer than at the present juncture. This unfortunate state of affairs could, in my opinion, be easily remedied by the transfer of the Assistant Resident Commissioner to Headquarters where there is a house available for him: this would at once set the Resident Commissioner free to get into direct touch, from time to time, with the people of the territory, and I cannot too strongly recommend that the move be authorized at the earliest possible date.

(*b*) *European Advisory Council* (page 15): This is purely an advisory, non-statutory body.

With reference to the statement on page 15 of the Petition that "fresh taxation may be imposed on the white inhabitants at the sole will and pleasure of His Excellency" I have to observe that, since the creation of the Council, the unpopular half-yearly tax of sixpence per head on Protectorate cattle owned by persons other than natives (Proclamation No. 48 of 1919) has disappeared, that the payment of the duty imposed by Proclamation No. 12 of 1916 on every head of cattle exported from the territory has been suspended, and, in fact, that no fresh direct taxation has been imposed on the Europeans without full discussion with the members of the Council and without their concurrence: it was on their recommendation that Income Tax and Poll Tax were introduced.

It is true that the Annual Estimates of Revenue and Expenditure of the Territory are submitted to Your Excellency prior to being placed before the Council, but the Members know—I have told them so—that the Estimates are not finally approved until passed by the Secretary of State, and that any advice and suggestions they may tender in connexion therewith will be submitted to Your Excellency: this has invariably been done.

The "more close association of the inhabitants with the raising and spending of revenue" on page 16 and the "possession of power" advocated on page 16 would probably result in the Council recommending that a much greater portion of the revenue be spent on furthering the interests of the Europeans in the three Blocks—to the detriment of the needs of the inhabitants of the rest of the territory, who, of course, are nearly all natives, and, unless effect were to be given to such recommendations, further dissatisfaction would ensue.

In this connexion I would draw attention to the Petitioners' statement on page 20, namely, "Taken as a whole the figures for Revenue and Expenditure show stagnation and an outlook so hopeless that we are constrained to seek Your Majesty's gracious intervention on our behalf."

With reference to the last two paragraphs on page 16: although it is easy to arrive at the exact amount contributed yearly to the revenue in licences, et cetera, by the Europeans of the three Blocks, it is not so as regards the share of Customs dues payable by them except where Colonial beer and spirits are concerned. The duty on the latter is collected by this Administration whereas the duty on articles from overseas is collected at the Ports by the Union Government from which this Administration receives 27622 per cent. of the total Customs revenue of the Union of South Africa (see section 12 of the Schedule to the South Africa Act, 1909). It is impossible in these circumstances to apportion the duty correctly or even approximately between the Europeans and the natives and therefore "no reliable figures have been available" for the Council.

(*c*) *Revenue and Expenditure* (*page* 17): The native in his present condition, described on page 12 of the Petition, is fully taxed. I may observe, *en passant*, that I do not agree with the view expressed in the last three lines on that page. The European settler, on the other hand, requires his capital for his own purposes, and thinks not only that he does not receive sufficient assistance from the Administration in return for the taxes which he is called upon to pay, but also that a portion of these taxes goes to help the native: he naturally resents further taxation.

The result is what is styled by the Petitioners as "stagnation and a hopeless outlook," but we must live within our means, and this I have often repeated to the members of the Council.

The Petitioners, however, urge (page 17) that the Revenue figures "sufficiently indicate the diminutive scale of the activities of their Government at a time when nothing but the most vigorous forward policy can attract

the necessary men and capital" and (page 18) that "land, communications and minerals alike call for it."

It is beyond my province to settle such questions, but I would observe that the Petitioners have already, through the members of the Council, been given a reply from the Secretary of State regarding any extensive alienation of Crown lands (see the Resident Commissioner's letter of the 4th May, 1922, in enclosure A* to the Petition) and I earnestly hope that the view expressed by the Secretary of State, in 1922, will be adhered to.

It appears unnecessary, in considering the Petition to go into the question of the ownership of mineral rights within the three Blocks, but I would draw attention to the Memorandum thereon which accompanied Sir James Macgregor's Confidential despatch of the 1st September, 1923.†

I see no reason why those who hold mineral rights over the three Blocks should not exercise them therein as soon as a Mining Law has been promulgated for the Bechuanaland Protectorate, a matter which is, I believe, under the consideration of the Secretary of State, as is also the question of mineral rights on the Crown lands within the territory: in connexion with the latter I would urge that such additional Native Reserves be marked out (at Lehututu and elsewhere) as may be necessary, and that no mining or prospecting operations be allowed therein.

On page 24, the Petitioners state that "on all occasions when the development of the mineral resources has been pressed on the Government, the answer forthcoming has been that it 'is not in the interests of the natives.'" In so far as I am concerned, this applies only to the development of mineral resources *within the Native Reserves* and I firmly adhere to the views which I expressed on that subject in paragraphs 6 and 7 of my despatch No. 220 of the 2nd June, 1924.

As regards the disease of pleuro-pneumonia among cattle (pages 20 to 22): it has for many years past been confined entirely to the Bamangwato Reserve. Every effort has been, and is being, made to stamp it out, and towards this end the Chief Khama and his successors never once showed "passive resistance or apathy" but, on the contrary, gave every assistance to the Veterinary Department. There have, however, been many cases of negligence among their people: and where it has been clear that they have concealed an outbreak of the disease, compensation for animals destroyed by the Veterinary Officers has been withheld, and I should add that, whenever it has been possible to take action for any breach of the conditions laid down by the Veterinary Department, it has been done. I take this opportunity to place on record my high appreciation of the excellent work which has, at all times, and often under very difficult and trying circumstances, been accomplished by my Chief Veterinary Officer and his Staff.

On page 22 the Petitioners state that "there are few suitable roads to feed the traffic and that in the northern portion others are denied them to enable them to make full use of the system": I am not aware that the late Chief Khama ever refused a right-of-way to anyone who sought his permission before attempting to open such right-of-way, but some of the landowners and farmers of the Tuli Block experienced considerable difficulty in that respect with Sekgoma (Khama's son and successor) chiefly owing to ill-feeling between one of them and him. They appealed to me, but I found Sekgoma was very determined on this point, and protracted negotiations ensued which were still going on when Sekgoma was taken ill and died.

I have since taken up the matter with the Regent Tshekedi. He has agreed to certain road deviations asked for by the settlers, and I have every hope of his granting at an early date their request in respect of roads from the Tuli Block to the railway line.

On page 25 the Petitioners state that their aim and object is to secure a severance of the territory they inhabit from that of the rest of the Protectorate and its inclusion in the Union of South Africa, unless (page 26) "any alternative scheme be found more acceptable."

They do not suggest any alternative scheme, however, and I do not see how a separate policy could well be evolved for them apart from the Europeans in other parts of the Protectorate. If the inclusion in the Union of

* Not printed. † 47125/23: not printed.

South Africa of one or more of the Blocks is found to be the best solution, the Memorandum attached hereto may be of some use when terms and conditions are considered: I should like to state that I prepared it in September, 1924, in connexion with the request which some of the Petitioners made to Mr. Thomas, on the occasion of his visit to South Africa, for the incorporation of the Lobatsi, Gaberones and Tuli Blocks in the Union of South Africa, and that it has since occurred to me that in the event of the Union Government taking over the Lobatsi and Gaberones Blocks, it should be made a condition that a line of railway shall be constructed, maintained and worked from the existing line to the boundary of the Bangwaketse Native Reserve, say from Hildavale Siding, and again from Gaberones to the boundary of the Bakwena Native Reserve, the terminus being in either case just within the Native Reserves: this would dispose of the question of transport animals from the Native Reserves entering the Union.

Another point to which I beg to draw special attention is that since September, 1924, an Agreement for the erection of Cold Storage Works within the Bechuanaland Protectorate, for the special benefit of the European and Native inhabitants of the territory, has been concluded with the Imperial Cold Storage Company, Limited, in pursuance of which that Company is now either boring or about to bore for water at Lobatsi, and that if its works be erected there they will be within the Union of South Africa in the event of the Lobatsi Block being transferred to that Government.

In conclusion, I would state that the annual losses from Income Tax, if these portions of the territory ceased to form part of the Protectorate, are estimated as follows:—

	£
Tuli Block	20
Gaberones Block	475
Lobatsi Block	800

I have, &c.,
J. Ellenberger,
Resident Commissioner

His Excellency
The High Commissioner,
Cape Town.

A Few Points to be Remembered in connexion with the request that the Lobatsi, Gaberones and Tuli Blocks be transferred to the Government of the Union of South Africa.

1. *Officers.*—Those of the officers whose services would not be required by the Bechuanaland Protectorate Administration, to be given the option of—

(*a*) transferring to the Union Government—their rights remaining safeguarded as provided for in Section 22 of the Schedule to the Act of Union—see also Lord Selborne's despatch No. 54 of 23rd March, 1910—or

(*b*) retiring on pension earned up to the date of transfer of the Blocks, an addition not exceeding ten years being made to the period of service on which their pensions are computed provided always that the number of years thus added does not bring the age of the retiring officer to more than sixty years.

2. *Land and Buildings:*—

(*a*) The Crown Reserve at Gaberones to remain the property of the Imperial Government, as the seat of administration for the Bakgatla and Bamalete Reserves, and for the three European-owned farms (Forest Hill, Traquair and Crocodile Pools) lying to the south-west of the British South Africa Company's Block of farms at Gaberones, unless the owners of these three farms elect to be taken over by the Union, or

(*b*) in the alternative, the Union Government to take that Crown Reserve over (with the Gaberones Block) provided the amount given in payment for the ground (approximately 3,700 morgen, fenced in) and as compensation for the buildings and other improvements thereon be sufficient to enable the Bechuanaland Protectorate Administration to erect suitable quarters for Magistrates and their Clerks and Police, Court Houses, Gaols, waggon-houses, etc. (*a*) in the Bakgatla Reserve and (*b*) in the Bamalete Reserve.

3. *Lobatsi Block.*—Union Government to compensate Imperial Government for approximately two morgen of ground at Lobatsi—on which Magistracy, Camp and Offices are situate—and also for the buildings thereon.

4. *Tuli Block.*—Union Government to take over at a fair valuation

(*a*) the Imperial Reserve at Seleka (about 3,000 morgen) with buildings and other improvements thereon;

(*b*) approximately 2,737 morgen of Crown land at Baines' Drift with Police buildings thereon.

5. *Minerals.*—Question of ownership of mineral rights in the Imperial Reserve and portions of Crown land above referred to to be borne in mind.

6. *Natives in the Gaberones Block.*—These are Batlokwa, under the aged Chief Gaberone Matlapen—who, at the time when Moselekatse went northwards through the country (1838) was "a lad herding cattle" and must therefore be approximately 100 years old. He and his people came from Tswene-tswene (Marico District) to Gaberones in 1889—this was Bakwena territory at the time, was surrendered to the Imperial Government by Sebele I, Chief of the Bakwena, on the occasion of his visit to England in 1895, and handed over to the British South Africa Company for development; the Batlokwa remained thereon and are now tenants of the Company, paying rent to the latter in respect of their occupation of about 17,000 morgen of ground in the Gaberones Block; the Company has agreed not to disturb them in their occupation thereof during the old Chief's life-time and the Secretary of State said in his telegram of 14th November, 1895, that if he had to be moved into the Bakwena Reserve "the Company ought to go to some expense in providing water for him" therein (Blue Book C7962, page 29). The revenue derived from them as Hut Tax is approximately £200.

7. *Revenue.*—The loss of Revenue which the Bechuanaland Protectorate Administration would suffer through the transfer of these Blocks should also be borne in mind; Income Tax, especially from the Rhodesia Railways Limited; Hut Tax from natives of Gaberones and in the service of European settlers; a share of the Customs Duty; licences; registration of Deeds; transfers of land; revenue stamps; posts; judicial fines; European Poll Tax; miscellaneous.

8. *Quitrent* on the farms in these three Blocks is payable to the British South Africa Company.

9. *Border Fence.*—The Bechuanaland Protectorate Administration erected at its own expense a wire fence between the Territory and the Transvaal, from Ramathlabama to the junction of the Notwane and Crocodile Rivers and has been attending to its upkeep for many years. It is suggested that in exchange for those portions of it which would be taken over with the three Blocks, the Union Government should, at its own expense, erect a substantial stock-proof fence—wherever none exists—on what would be the new boundary line between the Union and the Bechuanaland Protectorate from Tuli in the north to Ramathlabama in the south, and that, in future, the cost of maintenance of the whole boundary fence should be shared equally by the Union and Bechuanaland Protectorate Governments.

10. *Freedom of transit by rail.*—All officials of the Bechuanaland Protectorate Administration and other persons, stock, liquor, ammunition, and all articles of merchandise in transit from one portion of the Bechuanaland Protectorate to another, through the Lobatsi and Gaberones Blocks, to be allowed free passage.

11. *Public roads.*—All public roads from one portion of the territory to another through the Blocks, and from the Native Reserves to the railway stations and sidings to remain open to traffic.

D. 4563

No. 58.

HOUSE OF COMMONS.

(3rd May, 1926.)

BECHUANALAND (WHITE SETTLERS' PETITION).

MR. JAMES STUART asked the Secretary of State for the Colonies whether he has received a Petition from the White settlers in the Bechuanaland Protectorate; and, if so, whether he can give any indication of the action he contemplates taking in order to give effect to the expressed desires of the Petitioners.

MR. AMERY: I have received from the High Commissioner for South Africa by the last mail a Petition addressed to His Majesty the King by European inhabitants of the Tuli, Gaberones and Lobatsi Blocks in the Bechuanaland Protectorate. On receipt of the High Commissioner's observations on the Petition, which are expected very shortly, the Petition will be carefully considered with a view to deciding what advice should be tendered to His Majesty in the matter.

D. 4863

No. 59.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 3rd May, 1926.)

[*Answered by No.* 66.]

(Confidential.)

SIR, High Commissioner's Office, Cape Town, 16th April, 1926.

I HAVE the honour to submit the following observations on the Petition to His Majesty from the European settlers in the Lobatsi, Gaberones and Tuli Blocks of the Bechuanaland Protectorate which was forwarded with my despatch Confidential (2) of the 9th April.*

2. "Some radical alteration in the machinery of our Government" (page 2) or transfer to the Union appears to constitute the basis of the Appeal to His Majesty, but although the alteration is to be "radical" and therefore presumably obvious the Petitioners do not recommend any specific changes, and it does not seem to me that the existing system of government in the Bechuanaland Protectorate differs very widely from that which prevails in most other territories where the numbers of the settlers (even in cases where they greatly exceed the population of the Blocks) do not justify the establishment of representative government. As far as I am aware, the Imperial Government has never received and therefore never refused any application from the Union Government for the transfer of the Blocks. Indeed the Prime Minister has stated that the Union Government is adverse to taking over the Tuli Block, and presumably their unwillingness to do so in the case of the Tuli Block would apply equally to the Gaberones and Lobatsi Blocks. The Secretary of State is not able at present, for substantial reasons, to consider the transfer of the whole Protectorate, and even if such transfer were effected the territory would be governed in accordance with the Schedule to the South Africa Act which makes no provision for the government of the Blocks as a separate political entity.

3. It is, of course, ridiculous to suggest (page 2) that the Administration "refrains from adopting any measure beyond the comprehension or desires" of the native population and the petitioners do not seem themselves to have even a remote conception of the nature of the "problem" which they say the Administration has failed to solve though they are prepared to assert that, whatever it may be, it is the result of incompatibility between themselves and the natives in the Reserves.

4. As the Resident Commissioner points out, the settlers were never "invited" by the Imperial Government to come to the Protectorate and did so in full comprehension of the conditions of the country and the system of Government.

5. Passing over the résumé of the history of the Protectorate, with which you are already familiar, the next contention worthy of comment appears at the top of page 11, where the petitioners insist that their interests are distinct from those of the white traders and should be considered separately. Nevertheless, they claim the contribution to population and revenue made by this section of the community when estimating the number of settlers and computing the amount they pay in taxation. Traders' and other licences alone comprise £6,500 out of the total of £24,223 which, according to the "Analysis of estimated revenue for 1921-22" (see Annexure "G"†), the settlers claim to contribute towards the total revenue of the territory. They also appropriate, in addition to the cattle tax, the whole of the cattle export tax merely because the export tax was for the most part paid in by European traders. But the majority of the cattle exported is native cattle and as

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* No. 57. † Not printed.

the traders are not likely to engage in cattle dealing at a loss it is apparent that, indirectly, the natives contributed most of the revenue under this head. But in any case the cattle tax lapsed at the end of 1922 and the cattle export tax was suspended in April, 1925, and even if the latter is taken into consideration most of it was obtained not from the settlers but from the traders whose case, petitioners assert, should be regarded as distinct from their own. In effect, therefore, the greater portion of these three items, totalling £18,500 out of £24,223, though actually paid by whites is passed on by them in the course of business to the native. A trader pays his licence but he pays out of profits made by selling merchandise to the natives. Page 6 of the annual account of the Bechuanaland Protectorate for the year ending 31st March, 1925, forwarded with my despatch No. 397 of the 12th August, 1925,* contains a statement of the details of income-tax collections in the Protectorate from which it will be seen that, out of a total of £12,636, £11,709 is contributed by three companies—most of it by the Railway Company on a mileage basis, not on a basis of Protectorate goods carried which would comprise a small proportion of the railway earnings. This fact is admitted by the petitioners themselves, who assert that the railway is really a corridor between the Union and Rhodesia. Of the remaining £927, £647 is contributed by the officials, £194 by traders, £63 by farmers engaged in mining and only £20 by the farmers proper who constitute the bulk of the petitioners.

6. The petitioners cannot rationally assert that, politically, they are "treated as an integral part of a huge Protectorate whose inhabitants are natives of the Bantu race amongst whom they can scarcely be distinguished." The system of taxation of the two races is not identical, native law and custom is not applied to Europeans nor are they subject in practice to liquor restrictions and other legislation intended solely for the Bechuana. The argument would come far more logically from the native who might with some justice protest that in very many respects their own customs have been swept aside and that they have been compelled to accept European government and taxation out of regard for the interests and requirements of a handful of white men who have seen fit to impose upon them a code which a race with "primitive outlook" might with considerable reason regard as alien to their character and not especially adapted to their needs.

7. There is nothing in the law of the Protectorate designed to discourage the "production of the highest grade of beef, wool and dairy produce and the marketing of the products." On the contrary a very considerable proportion of the revenue of the territory is devoted to these objects while the Advisory Council is, on the other hand, responsible for a motion to restrict the efforts of the Administration to stamp out lung-sickness. The Administration has done everything in its power to provide markets for the cattle of the petitioners and with this object has negotiated for the erection of meat works in the territory. It has used every influence to induce the Union Government to refrain from placing restrictions on the export of cattle but the petitioners, with that disregard for logic which is so conspicuous a characteristic of the document under review, prefer to turn to an Administration which denies them markets for their cattle than to remain under one which exerts every endeavour to provide facilities for the disposal of their produce.

8. That the seat of Government is located outside the territory (page 13) is, I agree, a disadvantage, and with your concurrence I would be prepared to consider whether the disposal of the Imperial Reserve in Mafeking to the Union Government would not more than compensate for the cost of transferring the centre of Government to some site inside the Protectorate. At the same time I am compelled to observe that in the event of the Blocks being transferred to Union the seat of Government would be even more remote; the "higher officials" would be "housed" still farther away from "the country where the money is raised," and it seems reasonable to suppose that it would be even more difficult for the officials to "absorb from the surroundings and atmosphere" of Pretoria (or Cape Town) "an appreciation of the problems of the community (i.e., the petitioners) they are called upon to govern."

9. The contention that the opportunities the Advisory Council has of offering advice on the framing of the Estimates is restricted because they have first to be approved by me (page 15) is almost too absurd to merit contradiction. The Estimates of any country are drawn up by the Government in the first instance before submission to its representatives and it is obviously necessary that, as the legislative and

* 39788/25: not printed.

executive Authority over the Protectorate, I should be conversant with the financial proposals which the Government is to submit to the Advisory Council. In the first instance I merely approve of the form in which the Estimates are to be submitted and the actual provisions are not finally agreed to by me until I have considered them in the light of the Council's recommendations after which they have still to be considered and approved by the Secretary of State. A reference to the records will show that the practice invariably followed is that I do take into consideration any representations the Council has to make "before signifying my approval of the official proposals." The European Advisory Council has, in European matters, as much and probably more influence on the ultimate disposition of revenue as the Native Advisory Council has on questions other than those which solely affect European interests. Both Europeans and natives are consulted before fresh taxation is imposed and their views are taken into careful consideration though it does not necessarily follow that their representations will be wholly accepted, and it is incorrect to suggest that the "approval" of the natives has to be obtained before they can be subjected to fresh taxation.

10. It is inconsistent of petitioners to maintain (page 16) that "no reliable figures as to the incidence of taxation" are available and subsequently to produce figures claiming to reflect the incidence of taxation in support of their arguments.

11. The quarantine conditions (page 20) which restrict the export of cattle are imposed by the Union Government rather than by that of the Protectorate on veterinary grounds and would therefore presumably continue even if the Blocks were transferred to Union. Under present conditions cattle producers can, subject to a brief period of quarantine, export cattle into the clean area of the Southern Protectorate but no such export is allowed into the Union although the Tuli Block is free from pleuro-pneumonia. Wealthier territories with a larger white population than the Bechuanaland Protectorate have failed to eradicate pleuro-pneumonia from their cattle.

12. The contention (page 22) that the settlers have to negotiate for markets through the agency of an unsympathetic Government is not only a charge that cannot be substantiated but one that shows ingratitude to an Administration which has done everything in its power to induce the Union not to close its markets to the Protectorate and has succeeded in keeping those markets open long after they were closed to Rhodesia. As soon as it became evident that further restrictions on cattle export were inevitable arrangements were made for the provision of an alternative market by the erection of cold storage works in the territory.

13. The Resident Commissioner explains in his despatch that communications to the railway are available or being made available.

14. Mining in the Native Reserves (page 23) can be carried out by concessionnaires under duly recognized concessions. The Government does not favour prospecting in Native Reserves but neither is it encouraged in the Union Reserves while in many it is absolutely prohibited. Even if prospecting were allowed in the remote and waterless Crown lands it is doubtful whether the petitioners would reap any benefit from such operations.

15. The Union Railway Authorities have considered the prospects of the Walvis Bay Railway scheme (page 24) and pronounced emphatically against it. Without their co-operation and consent it could not be constructed.

16. The Protectorate Government, as already explained, has never obstructed the settlers' ambition to have the Blocks transferred to Union. The High Commissioner can hardly be expected to go cap in hand to the Union Government and implore it to take over the Blocks. If the Union Government wants them the first step must clearly rest with its statesmen.

17. The petitioners offer their co-operation for an alternative scheme but do not indicate any form of administration that could be substituted for the existing one.

18. In conclusion I would add, with reference to the observations in paragraph 6 (a) of the Resident Commissioner's despatch regarding the seat of the Administration of the Protectorate, that I am not at present inclined to alter the decision arrived at by my predecessor, when Colonel Daniel was appointed Assistant Resident Commissioner, that he should continue to be stationed in the Protectorate and not transferred to Mafeking. I appreciate that during recent years the work at the head-quarters of the Administration has increased, and I entirely agree with Colonel Ellenberger's view that the Resident Commissioner should not be "tied down

to a desk." I am not convinced, however, that the volume of work at Mafeking is such as to preclude the Resident Commissioner from visiting at fairly frequent intervals the various parts of the Protectorate which are near the railway line, including all the areas of European settlement (with the exception of the small settlement at Ghanzi) as well as the adjacent Native Reserves. I feel also that the Assistant Resident Commissioner can be more usefully employed in the Protectorate than in the offices at Mafeking. As you are aware the European Advisory Council has recently raised the question whether the Principal Medical Officer could not, with greater advantage, be stationed in the Protectorate than at Mafeking, and I think that the members of the Council would almost certainly regard with disfavour a proposal to move another senior officer outside the Protectorate. I may say also that I myself should be reluctant, in present circumstances, to increase further the personnel of the Administration at Mafeking.

I have, &c.,
ATHLONE,
High Commissioner.

D. 5082

No. 60.

SWAZILAND.

THE HIGH COMMISSIONER to THE RESIDENT COMMISSIONER.

(Received 11th May, 1926.)

(Confidential.)
(Extract.)

SIR, High Commissioner's Office, Cape Town, 17th April, 1926.

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5. It seems to me therefore that a very good start has been made towards securing the Railway facilities asked for in the resolutions submitted to me last August. As the recommendation that steps be taken to arrange for incorporation in the Union was conditional on the assistance asked for not being forthcoming, I presume the Council would wish this alternative to fall away. In any case you may inform the Executive Members that the Imperial Government does not contemplate asking the Union to take over the administration of the Territory. You might add at the same time that I have noticed a recent report in the *Sunday Times* to the effect that certain Swaziland settlers interviewed General Hertzog last January and were given to understand that the Union Government was unlikely to make a definite application for transfer in the near future.

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I have, &c.,
ATHLONE,
High Commissioner.

D. 4863

No. 61.

SOUTH AFRICA.

THE SECRETARY OF STATE to THE HIGH COMMISSIONER.

(No. 162.)

MY LORD, Downing Street, 5th June, 1926.

I HAVE the honour to acknowledge the receipt of your despatch* transmitting a petition addressed to His Majesty the King from the European inhabitants of the Lobatsi, Gaberones and Tuli Blocks in the Bechuanaland Protectorate.

2. I have to request that the Petitioners may be informed that the Petition has been laid before His Majesty who was pleased to receive it very graciously and to refer it to me for examination; that I have under consideration the various questions raised with a view to determining what advice I should tender to His Majesty with regard to them; and that a full reply will be sent later.†

I have, &c.,
L. S. AMERY.

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* No. 57. † No. 65.

D. 6225

No. 62.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 11th June, 1926.)

(Extract.)
(Secret.)

SIR, High Commissioner's Office, Cape Town, 21st May, 1926.

* * * * * * *

5. I am emphatically adverse to the proposal to discuss the transfer of the Tati district to Rhodesia. We have taken up the attitude that we cannot consider any request for the transfer of the Protectorate Administration to Union for some years to come, and I consider it most important that the political *status quo* of the Territory should be maintained until we see what happens to Swaziland. I think it would be very inadvisable to discuss Bechuanaland Protectorate matters with General Hertzog now, even if he took the initiative, and it would be much more injudicious to approach him ourselves. If he were to ask for the transfer of the Tuli Block to the Transvaal and if the Dominions Office were disposed to agree, I think Rhodesia has obvious claims and should be offered the Tati district simultaneously. But it is most unlikely that General Hertzog would make any such proposal because he believes that the transfer of the Blocks would postpone the transfer of the Territory as a whole, and what he is really interested in is the Crown land in the north. On the whole I think the wisest course is to avoid any discussion of Bechuanaland either in regard to partition, or transfer as an integral territory.

6. I should also mention that I propose shortly to address to you a despatch on the subject of assigning further areas of Crown land in the Protectorate for the use of the natives.

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I have, &c.,
ATHLONE,
High Commissioner.

D. 8682

No. 63.

LORDS BUXTON, GLADSTONE, AND SELBORNE to MR. L. S. AMERY.

(Private and Confidential.)

MY DEAR AMERY, 7, Eaton Place, S.W.1, 4th August, 1926.

IN view of General Hertzog's visit to England in connexion with the Imperial Conference, we think it is not unlikely that he may raise the question of the transfer of Swaziland to the Union.

It may, perhaps, be of assistance to you in considering any such application if we very shortly express our views on the subject.

The past history of Swaziland and its connexion with the Transvaal, the Schedule of the Act of Union which contemplates transfer; and the unofficial negotiations for its transfer which have more than once taken place, would make it impossible for the Imperial Government to refuse to consider the question of transfer if raised. On none of the occasions referred to have the Imperial Government raised any question of principle against the transfer itself.

In our view, therefore, if a definite proposal is made for the consideration of a transfer, the British Government could not refuse to consider it. (See enclosed Hansard Debate of 11th February, 1925, House of Lords, columns 197-198,* for a development of the above position.)

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* Not reprinted.

But if such an application is made, two important questions arise :—

(*a*) When the Act of Union was going through Parliament it was clearly laid down by the Secretary of State who was then responsible for the Act of Union that, if the transfer of any of these Territories was at any time contemplated, and before it was initiated, full notice should be given to the natives of the Territory, and full opportunity given to them to express their views in regard to the matter. Various successive High Commissioners have endorsed that pledge.

As late as August, 1920, Buxton, with the knowledge of the Colonial Office, emphatically endorsed that undertaking.

This undertaking is the more important as the natives, not only in Swaziland but throughout South Africa, have been seriously perturbed of late by the actual and the foreshadowed native policy of the Government, especially as shown in the Colour Bar Act (though this would not really affect Swaziland) and in the Native Bills now before Parliament.

The natives of the three Protectorates are moreover troubled at the attitude of the present Union Government in connexion with the Empire, accentuated by the Flag incident. This feeling of nervousness would render the transfer of either of the three Protectorates at the present moment especially delicate and difficult. (See columns 200 and 201 Hansard.)

(*b*) The question of whether this particular moment is a suitable time at which to consider the question of transfer is one within the discretion of the Imperial Government.

The present moment—apart from the special nervousness of the natives indicated above—would not appear to be an opportune one at which to carry out the transfer of a Protectorate. Apart from the political position, the Prime Minister of the Union has declared his intention of dealing radically and exhaustively with the whole question of the native races in the Union. He introduced at the end of the late Session five Bills dealing with different phases of the question; and he hopes to be able to obtain a general agreement in the policy therein expressed.

We are, therefore, in these circumstances strongly of opinion that, previous to any acceptance of the proposal for consideration of transfer, the Imperial Government should be in full possession of the native policy adopted by the Union Government and the Union Parliament as translated into Acts of Parliament.

Until then the Imperial Government cannot adequately judge of the policy as a whole, nor be able to estimate to what extent it might possibly conflict with the conditions inserted in the Schedule of the Act of Union for the security of the natives in the Protectorate. (Hansard, columns 200-201.)

We agree that Basutoland and Bechuanaland stand in a different position to Swaziland; and that, except so far as transfer is foreshadowed in the Schedule to the Act of Union, the Imperial Government is under no definite obligation to transfer either of these Protectorates to the Union. They differ radically from Swaziland, inasmuch as that, while Swaziland is already largely occupied by Europeans, and the native territory delimited, Bechuanaland and Basutoland are purely native Territories.

Basutoland is over-populated and over-stocked already, and there is no opening for white settlers, and Bechuanaland is not a very attractive proposition from the point of view of white farmers.

It does not seem likely, therefore, that the Union Government would at present raise the question of the transfer of either of these Protectorates. But if they did, we would suggest that any question of dealing with them should be postponed until after the transfer of Swaziland, the experience in connexion with which Protectorate would be invaluable in dealing with either of the other two.

This letter is for your information and does not require an answer but merely an acknowledgment of receipt.

Yours very sincerely,
SELBORNE.
per Buxton.
GLADSTONE,
per Buxton.
BUXTON
(to whom acknowledge).

D. 8247

No. 64.

SOUTHERN RHODESIA.

MR. AMERY to SIR C. COGHLAN (PRIME MINISTER).

(Confidential.)

Dominions Office, Downing Street, S.W.1,
6th August, 1926.

DEAR SIR CHARLES,

I THINK that it would be convenient if I amplified in a letter what I said to you on the 30th July in reply to your representations with regard to the transfer of the Tati district to Southern Rhodesia.

I should like to begin by thanking you for the consideration which you showed when I explained the position to you last year. I am very reluctant to ask you again not to press me in the matter just at present but, in the circumstances, I am afraid that I must do so. I fully recognize the claims of Southern Rhodesia to this district and sympathize with them, and if I could deal with the matter as an isolated question I would raise no obstacle to the transfer, always provided that local opinion is generally in favour of it. One point which would arise when any such local consultation took place would be the application to the district of the proposals in the Land Commission Report, if adopted. I cannot, however, proceed without consultation with the Union Government, in view of their reversionary interests in the Protectorate. I understand that General Hertzog informed you that he has now no objection to the transfer, but I have received no confirmation of this. It would be embarrassing to have to seek such confirmation at present; it could only be sought on the basis that the policy of His Majesty's Government not to consider at present the tranafer of the Protectorate to the Union is unaltered, and that the incorporation of the district in Southern Rhodesia would not prejudice His Majesty's Government in regard to the maintenance of the scheme of the Schedule to the South Africa Act in the case of the transfer of any of the native territories to the Union under Section 151 of that Act. This is important, since I understand that the Union Government contemplate asking for the transfer of Swaziland at an early date. I do not yet know the terms on which they propose that transfer should be effected, but it is clear that to approach the Union Government with a proposal for the incorporation in Southern Rhodesia of a part of one of the three territories for which provision is made in the Schedule to the South Africa Act might be interpreted as indicating that His Majesty's Government would be disposed to agree to a form of government for Swaziland on transfer other than that contemplated by the Schedule; or, at any rate, such action might be used as an argument for substantial modifications of the Schedule.

General Hertzog will doubtless refer to the subject of Swaziland when in London for the meeting of the Imperial Conference, and if, in the course of such conversations, a suitable opportunity of discussing the question of the Tati district occurs, I will take advantage of it. I must ask, however, that the matter may be allowed to remain in abeyance for the time being, on the understanding that, while I will place no unnecessary obstacle in the way of the transfer of the district to Southern Rhodesia, I can naturally not promise that a suitable opportunity will occur for discussion with General Hertzog, or, that if such discussion takes place, the trend of it will not be such that I may have to ask you to continue to allow the matter to stand over.

The above is, of course, for your strictly confidential information, and if you have to make a statement I am afraid that it can only be that you have again made representations to me on the subject but find that I am still not in a position to make an announcement. I hope that you will be able to add that you are satisfied that the matter has not been overlooked and that I will make my announcement as soon as I can possibly do so.

Yours, &c.,
L. S. AMERY.

D. 4863

No. 65.

SOUTH AFRICA.

THE SECRETARY OF STATE to THE HIGH COMMISSIONER.

(No. 211.)

MY LORD, Downing Street, 12th August, 1926.

WITH reference to my despatch No. 162 of the 5th June,* I have the honour to inform you that the Petition addressed to His Majesty the King from the European inhabitants of the Lobatsi, Gaberones and Tuli Blocks has received very careful consideration, but that for the reasons set out below it has not been found possible to advise His Majesty to give any directions with regard to the prayer of the Petition.

2. The main request put forward in the Petition is that steps may be taken to secure a severance of the Lobatsi, Gaberones and Tuli Blocks from the rest of the Bechuanaland Protectorate and the inclusion of these districts in the Union of South Africa. His Majesty's Government have, however, no indication that the Union Government would desire the transfer of these Blocks to the Union and it is not considered that His Majesty's Government could take the initiative in the matter, more especially as they feel that, at least so far as the Lobatsi and Gaberones Blocks are concerned, very serious practical administrative difficulties would be involved in the transfer of these areas to the Union.

3. The Petitioners state that they would do their utmost to co-operate in any alternative scheme if found more acceptable, but His Majesty's Government are unable to suggest any different form of administration of the Territory which they could regard as practicable. It is clear that the Protectorate has not yet reached a stage at which any form of local legislature could be established either for the Protectorate as a whole or solely for the European areas. It was hoped that the establishment of the Advisory Council in 1921 would serve to provide a means of consultation with the European settlers and it appears to His Majesty's Government that the annual meetings of the Council have achieved useful results. It is represented in the Petition that the Council's opportunity of offering advice is limited because the draft Estimates have first to be approved by the High Commissioner, but this view seems to be based on a misunderstanding. It is clearly necessary that as the legislative and executive authority for the Protectorate the High Commissioner should be conversant with the financial proposals which the Administration are to submit to the Advisory Council, but the Estimates are not finally sanctioned until the High Commissioner has considered and submitted to the Secretary of State the recommendations of the Council. It may be pointed out in this connexion that no fresh direct taxation has been imposed on the European settlers since 1921 without full discussion with the members of the Council.

4. It need hardly be said that His Majesty's Government appreciate the needs and difficulties of the European settlers to which they refer in the Petition and are anxious to do their utmost to assist in promoting the general prosperity of the Protectorate. The funds at the disposal of the Administration are, however, very limited and the Territory has shared in the trade depression which has occurred in other parts of the Empire since the war. I am assured that it has been the constant endeavour of the Administration to secure a market for the products of the Protectorate: with this object an important agreement has recently been concluded for the erection of cold storage works in the Territory and constant efforts are being made to stamp out the disease of lung sickness which hampers the possibility of the export of cattle. These efforts necessarily involve a considerable expenditure, which is, however, met in part by a contribution from the Native Fund; and though the progress made may seem disappointing I am sure that the excellent work of the Veterinary Staff in very difficult circumstances will be recognized. I may add, with reference to the observations in the Petition regarding mining in the Protectorate, that His Majesty's Government have at present under careful consideration the question of the issue of mining legislation.

5. It is noted that the Petitioners regard the present position of the seat of Government at Mafeking as a disadvantage. The possibility of making any change in this respect will be examined, but it will be recognized that the cost of transferring

* No. 61.

the seat of Government elsewhere would be likely to be considerable, and I should doubt whether the diversion of any large portion of the Protectorate revenues for this purpose would in present circumstances be justifiable.

6. I have to request that a copy of this despatch may be communicated to Mr. Weatherilt for the information of the Petitioners.

I have, &c.,
L. S. AMERY.

D. 4863

No. 66.

SOUTH AFRICA.

THE SECRETARY OF STATE to THE HIGH COMMISSIONER.

(Confidential.)

MY LORD, Downing Street, 12th August, 1926.

I HAVE the honour to refer to your Confidential despatch of the 16th April* and to state that I am forwarding in a separate despatch† a reply to the Petition to His Majesty from the European settlers in the Lobatsi, Gaberones and Tuli Blocks.

2. I agree with your comments on the phraseology and arguments used in certain parts of the Petition, but I have thought it better to frame the reply in general terms and not to comment on the somewhat illogical attitude of the Petitioners to which you call attention. You will appreciate also that while it is of course the case that the Europeans were not invited by the Imperial Government to settle in the Protectorate, it is undoubtedly the fact that the three areas in question were handed over to the British South Africa Company with the intention that they should be developed by white settlers. The position arising out of the presence of these European settlements in a predominantly native territory must therefore be accepted, and I have no doubt that the importance of giving such assistance to the settlers in their difficulties as is possible is fully recognized by the Administration. In this connexion I may say that I am in complete agreement with your view that it is desirable that the Resident Commissioner should make fairly frequent visits to the areas of European settlement.

3. It may be desirable to supplement, for your own guidance, the observations made in the reply to the Petition regarding the question of the transfer of the Blocks to the Union. I understand from your previous communications that the Union Government are unlikely to ask for the separate transfer of the Blocks, since they feel that this might postpone the transfer of the whole Protectorate to the Union. If, however, they desired their transfer they would presumably wish the Blocks to be incorporated in the Union. This would involve a departure from the Schedule to the South Africa Act and if His Majesty's Government agreed to such incorporation they might be at a disadvantage in seeking to maintain the terms of the Schedule in the case of the transfer of Swaziland. There are also other independent considerations which appear to me to make against the transfer of the Blocks, viz.:—

(*a*) The transfer of the Lobatsi and Gaberones Blocks would produce a very awkward boundary line and I note in this connexion that the Resident Commissioner advises in his despatch of the 28th March‡ that some new railway construction would be required for the purpose of the transport of native cattle.

(*b*) The transfer would involve handing over two stretches of the Railway to the Union. This would be quite incompatible with the scheme for the settlement of the question of Railway control now under consideration.

(*c*) The trunk telegraph line which runs along the Railway is the property of and administered by the Southern Rhodesia Government.

(*d*) As pointed out in paragraph 6 of your despatch No. 321 of the 25th June,§ the Imperial Cold Storage Company propose to construct their works in the Lobatsi Block and it is most undesirable that the site of these works should be handed over to the Union.

For the above reasons I think it is clear that the proposal of the Petitioners is not one to which any encouragement can be given.

* No. 50. † No. 65. ‡ Enclosure 2 in No. 57. § D. 7567/26; not printed.

4. You will see from the reply to the Petition that I concur in your suggestion that you should consider whether it is possible to make any arrangement for transferring the centre of Government to some site inside the Protectorate without incurring appreciable expenditure. There may however be difficulty in securing the co-operation of the Union Government, who may feel that such a change would tend to make more permanent the present regime in the Protectorate.

5. I may add that I entirely concur in the views expressed in the last paragraph of your despatch regarding the Resident Commissioner's proposal that the Assistant Resident Commissioner should be transferred to Mafeking.

I have, &c.,
L. S. AMERY.

D. 8885

No. 67.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 17th August, 1926.)

[*Answered by No.* 69.]

(Secret.)

SIR, High Commissioner's Office, Cape Town, 30th July, 1926.

I HAVE the honour to enclose herewith copy of correspondence between myself and General Hertzog on the subject of the transfer of the Swaziland Administration to the Union.

I have, &c.,
ATHLONE,
High Commissioner.

Enclosure 1 in No. 67.

DEAR LORD ATHLONE, 6th [?24th] April, 1926.

IN January you were good enough to send me, for my personal information, a copy of a Confidential despatch* from the Secretary of State for Dominion Affairs, relative to the question of the transfer of Swaziland to the Union. That despatch was, I notice, addressed to you as High Commissioner for South Africa. It is dated the 4th December, 1925, and sets out the main principles in which His Majesty's Government in London would authorize you to open a preliminary discussion relative to the time and conditions of transfer.

The despatch anticipates most of the points I had been considering before I had a conversation with you on this question in Pretoria the latter part of last year. I had then prepared certain proposals to form a basis for informal discussions. The terms of the despatch make it possible for me to put forward those proposals with but slight modifications and for the purposes of such discussions.

I think, however, before I indicate categorically those proposals it will be convenient if I refer paragraph by paragraph to the matters discussed by the Secretary of State in the several paragraphs of his despatch.

2. With regard to the first paragraph thereof, I had myself felt in drawing up my proposals last year that, when the time came for outlining or setting before Parliament in the form of Bills the Union Government's Native Policy, the question of the transfer of Swaziland might inevitably be raised. Since, however, nothing more will be done during the present Session than formally laying my Bills dealing with Native Policy before the House of Assembly and it is unlikely that any general discussion of the proposals to give effect to that Policy will take place (though it is impossible to say that it will not take place when the opportunity afforded in Committee of Supply on the Native Affairs Vote) no discussion as to the transfer of Swaziland is likely to occur and certainly no such discussion would be encouraged by the Union Government.

* No. 50.

3. It is unnecessary, therefore, for me to say more with regard to paragraph 3 of the Secretary of State's despatch than that I appreciate that the present time is not an opportune time, either for His Majesty's Government in London or for the Union Government, for putting before the public any proposals for the transfer of Swaziland to the Union. It may be that next year the time will become opportune for such a public discussion. If so, the proposal would be for a transfer some time about the latter end of 1927 or early in 1928. I think it would be undesirable to specify any period later than 1927-28 to which the question is to be regarded as postponed. I shall hope, however, to have a further opportunity when I go to London in September or October for the Imperial Conference, of discussing with the Secretary of State the date of transfer, the conditions thereof, as well as any questions arising out of the conditions involved in my proposals.

4. With regard to paragraph 4 of the Secretary of State's despatch I appreciate entirely the terms of the pledges which various Secretaries and Under-Secretaries of State have given to the House of Commons as to the submission of the Union Government's proposals, not only to that House, but also to the European and native inhabitants of the Territory. As a Member of the Orange Free State Delegation, which attended the National Convention and as such proceeded to London in 1909, when the Bill for the South Africa Act was submitted to the House of Commons, I was (I think) present when the pledge was first given by the then Under-Secretary of State, and I have noted the answers to questions in that House given in 1919 and 1925 by the Secretaries of State. Further, the statement which I made in the Union House of Assembly on the 25th March, 1925,* not only represented the views of my colleagues and myself at that time, but correctly states our present views.

5. With regard to paragraph 5 of the despatch it will be seen from the summary of my proposals which I will presently set out, that an essential feature of those proposals is the creation of Swaziland as an electoral constituency sending one European representative to represent the European inhabitants of the territory *in* the Union Parliament. I have acquired information as to the informal conversations which took place between 1919 and 1922 between my two predecessors and prominent European settlers in Swaziland; and to acquaint myself with the extent to which the construction of a railway influenced the latter in the initiation of those conversations; with the fact that the failure in 1922 of the negotiations between the Union Government and the Portuguese Government in regard to railway matters partly caused the abandonment of the idea of a railway through Swaziland linking up with the Portuguese railways, and thus partly caused also the abandonment of proposals for the transfer of Swaziland; and with the further fact that the recent development of certain areas of Swaziland for cotton-growing has revived the desire of the European inhabitants for railway and road development in the Territory. I mention these facts merely to indicate my knowledge of the anxiety of those inhabitants that a railway should be constructed in the Territory as early as possible and of the bearing of the railway question on the consent of the Europeans to the transfer of the Territory to the Union. But it would be impossible for the Union Government to give anything in the nature of a guarantee in this matter. If the Territory were transferred to the Union on conditions whereby the European inhabitants received representation in the Union Parliament, they would be in a strong position to press for railway construction in the Territory. Railway construction under the Union railway system is a matter entirely for Parliament, acting on the advice and report of the Union Railway Board—a statutory body which is bound by certain rules in making its recommendations. It is, I believe, still a very open question as to the particular area in the Territory which the first railway therein should traverse; and is a question on which the European inhabitants of the Territory are themselves by no means unanimous. But that a railway should be constructed in the Territory as soon as possible after transfer of the Territory to the Union takes place, seems reasonably certain. That question would be pressed on the attention of the Railway Board and the Government, not only by the European representative of the Territory in Parliament, but by others who, while not inhabitants of the Territory, have interests therein.

6. I come now, however, to the matter which is of course the main concern of His Majesty's Government in London and which is dealt with in paragraphs 6 to 10 of the Secretary of State's despatch of 4th December, 1925,† to yourself as High Commissioner, viz., the position of the native inhabitants of the Territory and the extent to which they may be affected by the transfer of the Territory to the Union.

* See Enclosure 1 in No. 42. † No. 50.

It will be seen from the summary of my proposals, to be set out presently, that they do not involve any alteration of the Scheduled provisions of the South Africa Act *in regard to the natives;* certainly not in regard to natives occupying the 35 native areas scheduled under the High Commissioner's Proclamation of 1917. To some extent the natives who are outside those native areas may be affected, as practical difficulties may arise in placing these particular natives under some of the laws to which the Europeans who live alongside them would not be subject. If, however (as seems feasible) all natives—whether within or outside the native areas set aside under the High Commissioner's Proclamation of 1917—are subject only to laws in the form of proclamations issued by the Union Government in accordance with the Scheduled provisions of the South Africa Act, I see no reason why any change in the existing system of administration should take place as regards natives. That system is, after all, not different in essentials from the system which has prevailed in the Transkeian Native Territories of the Cape Colony (now Province) since the later years of last century, and which still prevails. It is also a system which, under my native proposals, may be applied, as opportunity arises, to other areas of the Union which are exclusively or mainly inhabited by natives. With regard to the natives living outside the statutory native reserves in Swaziland, the fact that they owe their present occupation of land to conditions agreed upon between them and the European concessionaires between 1909 and 1913 would have to be borne in mind in administration and legislation for the Territory but it would be unthinkable that the natives in the statutory native reserves would be in any way disturbed. As regards the natives outside those reserves it will be seen from the summary of my proposals that in matters in which natives solely are concerned they also should be subject to laws in the form of proclamation issued under the Scheduled provisions of the South Africa Act. But it seems to follow that such laws would not necessarily be the same as for those natives who are within the reserved areas and in matters of administration there might necessarily be differences.

7. I come now to the question of the Commission to be appointed under the Scheduled provisions of the South Africa Act. It is impossible of course to indicate at the present time what would be the personnel of that Commission. It would be convenient, no doubt, that the members for the time being of the Union Native Affairs Commission appointed under Act 23 of 1920, should function also as the Commission contemplated under the Scheduled provisions of the South Africa Act. It is true that under the Act of 1920 members of the Union Parliament are not disqualified from being members of the Union Native Affairs Commission and two of the three are actually members of Parliament. One of these, however, is a Senator appointed to the Senate by reason of his special experience in native affairs. The remaining Commissioner, who is not and has not been a member of Parliament, is also a gentleman specially conversant with, and of long experience in, matters peculiarly affecting natives. There seems no reason to suppose that any Union Government would desire to appoint to the Scheduled Commission men who were not at least as qualified as the two Commissioners last referred to. It seems doubtful also, in view of the provisions of the South Africa Act with regard to the nominated Senators, whether membership of the Union Parliament should continue to remain a disqualification for the Commission under the Scheduled provisions of the South Africa Act.

8. With regard to paragraph 9 of the Secretary of State's despatch, inasmuch as my proposals do not involve an alteration of the Scheduled provisions so far as *natives in the territory* are concerned, the Commission, under the Scheduled provisions, would necessarily be consulted as to the officers to be appointed for the administration of justice. There is I think every reason to suppose that advantage would be taken, as vacancies occur, of appointing persons such as these who have grown up and served under the system obtaining in the Transkeian Native Territories of the Cape Colony. The appointment of those Magistrates has always remained in the hands of the Union Minister of Native Affairs and they have been habitually selected by him on the records and recommendations of the Union Native Affairs Department. It is impossible, however, to give any indication at the present time as to the person likely to be selected as the first Resident Commissioner of the Territory, but it would obviously be to the interest of the Union Government that the person so appointed should be one having the confidence of the native population.

9. With regard to paragraph 10 of the despatch, dealing with financial obligations of the Territory, the Union Government would assume the present loan

obligations of the Swaziland Administration to Basutoland, as well as any reasonable outstanding advances made in respect of the Territory by the Crown Agents for the Colonies. The Union Government would of course desire to have some idea as to the amount of those advances.

10. The last matter which the Secretary of State specifically mentions is the restriction on the importation of cattle into the Union from Swaziland. Such a restriction, if it interferes with freedom of trade and intercourse between the Territory and the Union, would be inconsistent with Clause 17 of the Scheduled provisions. I must point out, however, that movements of cattle from and to, as also within, the Union have from time to time to be prohibited or restricted in order to prevent the spread of the severe contagious diseases of stock which at times become prevalent throughout every part of South Africa. Such a restriction is as much in the interests of the stock owners of the territory as it is in the interests of those of the Union.

11. Having dealt specifically with the various points raised in the Secretary of State's despatch I will now summarize, as fully as is at present possible, my proposals as to the conditions on which the transfer of the Territory to the Union might take place. That summary also indicates what alterations in the Schedule would be necessary if transfer were effected on those or similar conditions.

The summary is as follows:—

(i) That the application of such of the Scheduled provisions as deal with administration and legislation should, by act of the Union Parliament be confined—

(*a*) to the thirty-five areas scheduled under the High Commissioner's consolidating and defining Proclamation of 1917 and to any further areas set aside, either under that Proclamation or otherwise, for sole and exclusive occupation by natives; but should apply to all persons—whether natives or not—in those areas; and

(*b*) to matters in which natives solely are concerned in other parts of Swaziland; e.g., taxation of natives, the position of natives in courts of law whether in criminal or civil proceedings; and native education and expenditure thereon.

(ii) That, in regard to matters in which natives are not directly concerned, the Territory should be treated as a district of the Transvaal and that the European inhabitants of the Territory should elect one member to the Transvaal Provincial Council and be for all matters mentioned in Section 85 of the South Africa Act subject to that Council and the Transvaal Provincial Administration. That Council and that Administration would thus have power to deal with education for persons other than natives, roads, bridges, ponts, outspans, health committees, hospitals and matters of purely local concern. The Provincial Administration would have the assigned revenue from licences to Europeans which it has from other Transvaal districts under the Provincial Subsidies Act, 1925, and the Licences Consolidation Act of 1925.

(iii) That the Provincial Council's Ordinances, however, should in no case be binding on any of the native population which would be solely subject for all administrative and legislative provisions to the Union Government's Proclamations issued in accordance with the Schedule to the South Africa Act.

(iv) That the Transvaal Provincial Council's power to impose *direct* taxation on the European inhabitants of the Territory might, if those European inhabitants so desire as a condition of incorporation in the Union, be restricted so that any amount so imposed was spent solely on European education and roads, etc., in the Territory.

(v) That the Union Government should take over the whole customs and excise revenue derived in the Territory (the Union Customs and Excise Acts applying thereto as it does in South West Africa and being matters solely within the jurisdiction of the Union Parliament); that the Union should also receive the revenue from posts and telegraphs, rents for concessions, mining royalties, leases of Crown lands to Europeans—dipping, veterinary or irrigation charges.

(vi) That the Union Government should defray all expenditure on Police, courts of law for persons other than natives, posts and telegraphs, agricultural, veterinary or irrigation administration; and pay the interest and

sinking fund charges on existing or future loans. With regard to expenditure on police and possibly on dipping, some of the monies derived from native taxation, whether now existing or under future proclamation, would have to be earmarked for these purposes. A considerable part of the Territory's present expenditure is due to the keeping of a Police Force and that Force is kept at least as much on account of the natives as of the Europeans.

(vii) That capital expenditure should be provided from *Union* Loan Funds but that the proceeds of the sales to persons other than natives, of Crown Lands, mining royalties and other revenues of a capital nature should be paid into those funds.

(viii) That the Union Railway Administration and Railway Board should function in the Territory, that any railways constructed therein should be such as Parliament authorizes and become subject in all respects to Union Railway Acts and be part of the Union system.

(ix) That it would be necessary to give the European inhabitants of the Territory representation not only in the Transvaal Provincial Council but in the Union Parliament also, notwithstanding that the number of European male adults does not even approximate to the Transvaal quota. At the time of transfer it is unlikely that these adults would be more than 1,000. (In 1921 they were 694.) That nevertheless Swaziland should become an additional Union constituency and not be merged with any other Union constituency. The Union electoral laws would apply, both for Provincial Council and Union Parliament elections, the franchise being based on the Transvaal franchise. To effect this it would be necessary that a Bill be passed in accordance with Section 152 of the South Africa Act under which it must be passed at third reading by a two-thirds majority of both Houses sitting together.

Such is the summary of my proposals. I trust that they may form the basis of further informal discussions.

I am, &c.,
J. B. M. HERTZOG.

High Commissioner,
The Right Honourable
The Earl of Athlone, G.C.B., G.C.M.G., G.C.V.O., D.S.O.,
&c., &c., &c.

Enclosure 2 in No. 67.

DEAR GENERAL HERTZOG, King's House, Durban, 14th July, 1926.

I PROMISED, in my letter of 26th April, to let you have any observations I might wish to make on the draft scheme for the transfer of Swaziland to the Union forwarded with your letter of 24th April.

From paragraph 3 of the scheme outlined in your letter of 24th April I notice that you do not propose to raise the question of the transfer of Swaziland to the Union until the latter part of 1927 or early in 1928. By this time I presume Parliament will have dealt with the four Native Bills which were published at the conclusion of last session, and no doubt the Second Reading speeches and subsequent debates will explain and elaborate the new native policy and indicate the manner in which it will operate and the effect it is likely to have upon the interests of the Natives. I will therefore assume that by 1928 the Resident Commissioner will, if necessary, be in a position to assemble the Swazis in order to explain to them, in accordance with paragraph 6 of the Secretary of State's despatch, "to what extent the system of Administration to which they are accustomed would be changed in consequence of the transfer of the Territory to the Union." I am sure that your decision to settle the native policy of the Union before definitely raising the question of the transfer of Swaziland is a wise one, and one which will be much appreciated by His Majesty's Government, and which should greatly facilitate the task of the Secretary of State when the time comes to consult the House of Commons. I was very interested to hear that you were present in the House of Commons when the Secretary of State first assured Parliament that they would have the fullest opportunity of debating the Government's proposals before the transfer of any of the Territories was decided upon, and that the wishes of the Europeans and Natives

would be considered, and I know you quite appreciate our difficulties and obligations. On all these questions of procedure both Governments seem to be in accord, and I think we can pass on to consider the specific conditions referred to in the Secretary of State's despatch and in your reply.

As I explained in my letter of 26th April, I have not been authorized to enter into any negotiations that would involve alteration or amendment of the Schedule, or that would restrict its application to a section of the Territory or of the inhabitants. His Majesty's Government are definitely committed to the scheme of Government prescribed by this instrument. Time and again the Natives have been assured through successive High Commissioners that their rights and privileges are guaranteed by this Schedule, and that, in the event of transfer, its provisions will be strictly observed. On this point the Secretary of State was particularly explicit when he met a deputation of the Swazis in January, 1923,* and in the face of the undertaking which was given to the Paramount Chief on that occasion it is difficult to see how the Imperial Government could accept any scheme that did not leave the provisions of the Schedule intact.

When the Duke of Connaught visited South Africa at the time of the opening of the first Union Parliament he laid stress upon this guarantee when addressing the Natives. That the Imperial Government took a very serious view of its obligations in this respect is evident from the following instruction given to the High Commissioner by the Secretary of State in 1913†: "Whatever course discussion of a proposal for transfer might take it is very unlikely that Parliament would be willing to make any alteration in the terms of the Schedule."

It is true that your proposals do not involve any alteration of the Schedule as far as the Swazis living in the Native Reserves are concerned. But the intention has always been to apply the Schedule to the *whole* Territory, and it was expressly designed to secure a specific form of government for all the natives of a Territory regardless of whether they were living in Native Reserves, upon Crown Land, or on private property. The Swazis are particularly jealous of their rights over the entire Territory, and practically all the Concessions granted by Mbandine contain a reservation of the rights of his subjects. It was this very question of the rights of Natives outside the Native Reserves that gave rise to Sobhuza's appeal to the Privy Council. The Natives maintained that, although Mbandine granted all manner of mineral and grazing concessions over practically the whole of the Territory, he was careful to safeguard the "rights" of his subjects. They contend that the Partition Proclamation, inasmuch as it gave two-thirds of the country in "freehold" to Europeans, deprived them of their hereditary right to reside anywhere in the Territory or to squat on any concession, and they assert that this partition of the country and the consequent surrender of privileges which they had previously enjoyed was effected against their wishes and constituted a repudiation of past guarantees. Our reply was a very logical one—namely, that the natives would have had practically no grazing at all and nowhere to pasture their cattle unless we had intervened and liberated the Native Reserves from the incubus of the Concessions by giving the Concessionaires freehold possession of a portion of the Territory in exchange for the surrender of their concessions rights (other than mineral rights) over the rest of it. We maintained that our authority to make this settlement was derived from the Orders in Council, but the Swazis contended that they were never conquered, that they never surrendered their rights over the Territory, and that the Orders in Council in so far as they disturb those rights are *ultra vires*. Their appeal, as we know, was not upheld by the Privy Council, and on 17th of last May the Resident Commissioner summoned a meeting of the Chiefs and Council to explain to them the effect of this judgment. The Swazis were very discontented with the decision and protested against it in the strongest terms. We know, of course, that everything that has been done was done in their interest, but it is impossible to persuade them of this. The following statement made at this meeting by Benjamin Nxumalo, although it may not be strictly in accord with fact, expresses the nature of their discontent:—

> "I would like to say something about the judgment in this case. I am not criticizing the judgment. In 1884 the British people in England said that they guaranteed the sovereignty of the country. After ten years, that was in 1894, the guarantee with Mbandine was withdrawn; they withdrew it

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* See No. 17. † No. 1.

for no reason at all. At that time, in 1894, the Swazi people sent a deputation to Queen Victoria to find out what was the cause of the guarantee being withdrawn, and they came back with no successful report. In 1894 independence was taken away and the guarantee of the country was still ours. Again, after ten years, in 1904, the guarantee, so far as the land was concerned, was taken away. In another ten years, in 1914, they started to build on the farms and settle down. That shows that the country has been divided into portions, and in 1924 we were told we had nothing at all, not a piece of land belonging to us.

The Judges say every inch of this country now belongs to the King.

I do not know what will happen in 1934 and 1944. I think there will be no native areas at all in those years, because every ten years something new happens; something is cut off or something is being done. Personally I would suggest that the word 'Protectorate' be taken away and that it simply be said that this is a country which was taken away from the Swazis because the Judges in this case have explained points of law which they failed to realize is a severe way of dealing with cases of this kind, the taking away of a country from its people; and the Orders in Council and the laws relating to foreign countries are the laws which enable British people to take away land from other people. How can you please England? Because from time to time there are changes in this territory. You English people are very hard to please. That is all I have to say. If I wish to say anything more I will ask for permission."

Resident Commissioner: "I would just like to refer to what Benjamin Nxumalo said. He speaks as if England took the country. In the first place, it is owing to the protection of the English Government that the Zulus are not here to-day, and it is owing, as I have constantly got to tell you to-day, to the Concessions which were granted by your own people that the settlement you are complaining about had to be made; that is a settlement made by the English Government in your own interests. Benjamin says in another ten years' time perhaps there will be no native area. I quite agree with him that that would be the case if it were not for the Government protection which you have got to-day; the native areas would go just in the same way and Concessions would be given just in the same way that they were given over your land in the old days."

This extract comprises only two pages out of nearly one hundred type-written sheets asserting their rights over the *whole* Territory, and I have quoted it in order to explain the jealous and vigilant way in which the Swazis scrutinize and denounce any action of the Government which might be construed as a breach of the pledges we have given them. "Every ten years," they allege, "something new happens; something is cut off or something is being done. I think that in 1934 or 1944 there will be no native areas at all." In the face of these statements I feel sure that if there is any attempt to restrict the *application* of the Schedule to a specific area or to amend its terms we will be accused of bad faith and of having repudiated our pledges. We will encounter strenuous opposition, which it would be difficult to override, if we mean to observe our promise to consult the wishes of the Natives before transferring the Territory. Under your scheme the form of government prevailing outside the Reserves will be very different from that which was promised. It involves a measure of disintegration and virtual "incorporation" of the Territory in the Union, whereas the Schedule only contemplates a "transfer of the Government of any territory belonging to or under the protection of His Majesty's Government." The Ordinances of the Provincial Council and Acts of the Union Parliament could be applied everywhere except in the Reserves without consulting a Commission of the type contemplated under the Schedule. A very considerable number of labouring Swazis resident on European farms or employed in industries would be affected, and as far as I can see there would be nothing to prevent the Government in power in the Union from applying over at least two-thirds of the Territory the provisions of a measure like the Colour Bar Act or restrictions on the acquisition of land by individual Natives outside the Native Reserves might be imposed, e.g., on the lines of section 1 of the Natives Land Act, 1913, without the Commission being afforded an opportunity of expressing its views. It is not my intention to question the merits in the light of local conditions of this or any other legislation of the Union Parliament, but His Majesty's Government controls the

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destinies of many millions of coloured people, and a fundamental principle of Imperial rule is that the Natives should have equal opportunities with other races to compete for, or engage in, any employment for which they might be eligible by reason of their education or intelligence. I am therefore very doubtful whether His Majesty's Government could accept any scheme of administration which might involve any curtailment of the privileges at present enjoyed by the Swazis, or which did not safeguard certain fundamental principles which have become characteristic of Imperial rule in all Native Dependencies.

If the provisions of the Schedule were applied to the whole of the Territory, as it was intended they should be, legislation would be by Proclamation issued on the recommendation, or with the concurrence of the Commission appointed under the Schedule. Acts of the Union Parliament, if considered suitable to conditions in the Territory, would be applied by Proclamation subject to the approval, or with the advice of the Commission.

At this stage it is important to note that the type of Commission prescribed by the Schedule is very different in character from the Native Affairs Commission of the Union. It is a Commission vested with executive powers and, unlike the Union Commission, is not merely an Advisory Body. In many respects it would take the place of, rather than be supplementary to, the Native Affairs Department. Every precaution has been taken to place the Scheduled Commission beyond the influence of party politics. It is appointed for ten years and none of its members can be removed by the personal decision of the Minister but only on Resolution of both Houses—to this extent the members of the Commission during the term of their appointments would be as secure in the tenure of their office as are the Judges of the Union. There has, on the other hand, been no attempt to place members of the Native Affairs Commission of the Union beyond the reach of party politics. On the contrary the majority of its members are politicians appointed by the Government of the day. It is argued (paragraph 7 of your Memorandum) that since the provisions of the South Africa Act prescribe that four of the nominated Senators shall be selected for their knowledge of native affairs, it would appear doubtful whether membership of the Union Parliament should continue to remain a disqualification for appointment to the Commission contemplated under the Schedule. But the Schedule was drawn up at the same time as the South Africa Act, and if it was then thought expedient, in spite of the qualifications of nominated Senators, to exclude members of Parliament from the Scheduled Commission it is obvious that the same objections to their selection would exist to-day. Moreover, the Act relating to the Senate passed at the end of last Session tends to place that Body more than ever under the influence of the Government in power. It may also be argued with considerable force that a nominated Senator, even when selected for his knowledge of native affairs, is much more a "party man" than a Senator elected by the direct vote of the people. Personally I am inclined to take the view that even the most impartial member of Parliament cannot remain unaffected by the political controversies in which he is continually involved.

It is universally recognized that Native policy should be placed above party politics. All appear ready to accept this in theory, but although you and other Ministers have asked Parliament to take a national and not a party view of these questions none of these appeals has induced a satisfactory response. I am therefore disposed to agree with the authors of the Schedule that it is undesirable that members of Parliament should be eligible to sit upon the Commission, and I have been given to understand that the Imperial Government holds very strong views on this point. It was for this reason that I ventured to suggest, when you informed me last year of your intention to replace General Lemmer on the Union Native Commission, that his successor should not be a member of Parliament in order that some of the personnel of the Union Commission might, if required, be eligible for appointment to the Scheduled Commission.

I quite realize that it would be difficult to indicate at the present time what would be the personnel to be appointed under the Schedule. But I think His Majesty's Government would want to know the names of the members of the first Commission before any overt step, such as the moving of a Resolution in Parliament, were taken. When the transfer of Swaziland to Union was discussed in 1913 the Secretary of State instructed* the High Commissioner as follows:—

* No. 1.

"Although, however, the conditions on which transfer must take place are determined there are certain matters on which information will certainly be required before transfer can be sanctioned, especially the names of the Commissioners and the Secretary who are to be appointed under the Schedule and the salaries to be assigned to them. Ministers will no doubt propose to nominate gentlemen whose duties and experience have especially fitted them to deal with a native territory."

I appreciate that stipulations of this nature may at first appear irksome, but it must be remembered that the Imperial Government is bound by explicit pledges to consult Native opinion, and I think every precaution should be taken to formulate proposals that will remove any apprehensions the Swazis may have about the effect of the change on their future. It should not be difficult to decide upon the personnel a few months before formal transfer is effected, and I am certain that any temporary inconvenience will be more than counterbalanced when the time comes to secure the goodwill of the Natives as they attach far more importance to the personality and individual qualities of their rulers than to their professional qualifications, and if it is possible to acquaint them with the names of their new masters, who will probably be in charge of their interests for the first ten years, much will have been done to secure their willing acquiescence in the change.

The foregoing observations would also apply to the Resident Commissioner, and I do not see why his selection before a Resolution is moved in Parliament should present any difficulty. It is quite natural that the Imperial Government should wish to know the composition of the first Commission under the Schedule. As you are aware the Swazis are opposed to the transfer of the Territory to the Union, and although it may be argued that their objections are not founded on any substantial reasons, His Majesty's Government is anxious to avoid all appearance of coercion and to do everything possible before consulting the Swazis to make the change appear as attractive as possible to them.

The obligations which His Majesty's Government has assumed and the pledges that have been given to the Natives are enshrined in the Schedule, which provides for a particular form of administration through a special type of Commission. The Commission is in fact the very soul of the system of government which has been promised to the Natives, and the personnel, terms of appointment, functions and security of office of the Commission, represent fundamental requirements demanded by His Majesty's Government as a condition of transfer and constitute the understanding upon which the reversionary claims of the Union Government were accepted when the South Africa Act was passed by the House of Commons. I have dealt first and at length with these two aspects of our negotiations because they are of outstanding importance, and if the Union is willing to accept the system they represent I feel sure it will not be difficult to reach agreement on other questions. The interests of the white and black races in this country are, of necessity, in conflict on many important issues, and even if the Natives enjoyed a liberal franchise they could never hope to secure attention to their demands so long as they are compelled to rely solely upon a white representative to champion their cause. For obvious reasons no practical man would suggest that Natives should be allowed to sit in the Union Parliament or be placed in a position in which they might be able to control the country. But if we will not allow them an equal voice in the Government the best compensation we can offer them for this apparent injustice is to place the management of their affairs in the hands of a body of men who understand their requirements and who, within certain defined limits, are independent and whose acts will be entirely free from the exigencies which influence political parties. The Swazis have placed themselves unreservedly in the hands of the Imperial Government, on a definite understanding. They have not only not resisted the occupation of their territory but have fought against other tribes on our behalf. That understanding is embodied in the provisions of the Schedule, and it is difficult to see how we can depart from them without breaking our pledges, except with the consent of the Natives themselves.

The white people, on the other hand, can make themselves heard and, even without representatives in Parliament, are able to bring pressure to bear upon an Administration. At the same time it is the duty of His Majesty's Government to bear their interests in mind when discussing the question of transfer. Their principal demand is for railway development, and I doubt whether they will regard the prospects offered in paragraph 5 of the Memorandum, or in Ministers' Minute

No. 420 of 20th May, as sufficiently encouraging. The fact that they will be represented in Parliament will be in many ways gratifying, but as we know, when debates take place on railway extension proposals for the Union, individual members make demands for railway development in their constituencies which for the most part remain unsatisfied, and I do not suppose the member for Swaziland would receive preferential treatment. The settlers wish to make early railway development a condition of transfer.

I do not see why the Schedule system of government should not meet the requirements of the white population. It is true that section 1 of the Schedule provides that legislation shall be by Proclamation, and that "all such laws shall be laid before both Houses of Parliament within seven days after the issue of the Proclamation," but there is no constitutional reason why proposed laws, other than those dealing purely with Native Affairs, may not be laid before Parliament before they are actually promulgated in the *Gazette*. The member for Swaziland would then be able to express his views on such legislation and make representations on behalf of his constituents.

The system of government contemplated under the Schedule is very similar to that which has operated in South West Africa, namely, legislation by Proclamation under the control and supervision of the Union Government, and it is logical to assume that a similar system would meet the requirements of a Territory like Swaziland which has a much smaller population and is infinitely smaller in area. Moreover, there is no reason why the existing European Advisory Council of Swaziland should not continue to operate and expand, and doubtless the Union Government would wish to subsidize the Territory in much the same way as the Provinces of the Union are subsidized and as the Colonies and Protectorates of Great Britain are, or have been, subsidized in the early stages of their development. In this event His Majesty's Government might be prepared to consider the transfer to Union of certain specified sources of revenue, such as income tax, mining and railway revenue.

Such an arrangement would obviate the necessity of incorporating the European portion of the Territory into the Transvaal Province—a proposal to which the settlers are strongly opposed.

With regard to paragraph 10 of your Memorandum, His Majesty's Government could obviously take no exception to any restrictions which may be imposed upon the movement of cattle for veterinary reasons. Such restrictions exist within the boundaries of the High Commission Territories to much the same extent as they do within the Union. The Secretary of State wishes, however, to point out that the present embargo against cattle of certain weight entering the Union is a *trade* restriction which prevents the inhabitants of the Territories from competing with their neighbours where all are members of the same fiscal Union.

The summary set out in paragraph 11 of your Memorandum calls for brief comment now that fundamental principles have been examined. Sub-section (i) (*a*) appears to me an unsatisfactory arrangement because Native interests extend all over Swaziland, and the Swazis have been promised a specific form of government regardless of whether they are living inside the Native Reserves or on private property.

(i) (*b*) presents difficulties since it is not easy in many instances to draw a hard and fast line between questions that concern Europeans and those which implicate Natives. Customs Tariffs present an outstanding example. A high duty on cheap blankets may mean nothing to Europeans, but such a tax may fall heavily upon indigent Natives. A provincial head tax levied without discrimination upon all the inhabitants of a Province may entail but a small burden on Europeans, and mean a month's wages to a Native.

Sub-section (ii) advocates the incorporation of Swaziland into the Transvaal Province. To this the Europeans are opposed. In Southern Rhodesia revenue from licences to Europeans trading in Native Reserves is paid into a Trust Fund for the benefit of the Natives.

Sub-section (iii).—This provision would presumably apply to all Natives domiciled in Swaziland whether they live inside or outside the Reserves.

Sub-section (iv).—I presume this does not mean that the European inhabitants of the Territory will have to rely entirely on revenue obtained from local taxation for all expenditure which may be incurred during early years of development for roads, bridges and all the services mentioned in Section 85 of the South Africa Act.

Sub-section (v).—Does this mean that Section 12 of the Schedule of the South

Africa Act would entirely disappear and that all customs duties in respect of articles used by Natives both outside and within the Reserves would be paid to the Union Treasury? Under this sub-section revenue derived from Native sources would be used to meet expenditure on various services and Natives would have to pay for dipping, etc., which at present is free. Moreover, rents for Concessions fall within category of Native revenue since the Concessions were granted by the Natives and include mineral concessions over land in the Native Reserves.

Sub-section (vi).—It must be borne in mind that Natives, besides paying direct taxation, contribute towards customs, etc., but it is not proposed even to spend all of the proceeds of direct native taxation on them. It has also to be remarked that the European element is the most expensive charge on the Police Vote.

Sub-section (viii).—This has been adequately dealt with already.

Sub-section (ix).—The European inhabitants, of course, understand that the consent of Parliament by a two-thirds majority would have to be obtained before they could be given the representation they desire. They realize that the number of male adults does not entitle them to a separate member, and as they attach great importance to the maintenance of Swaziland as a territorial and electoral entity they will greatly appreciate your efforts to secure for them the privilege of a representative who shall sit for Swaziland. I would suggest that if and when you move Resolutions in the Houses of Parliament (Section 151 of the South Africa Act) perhaps you would be good enough to mention that you would propose at a later date to ask Parliament to pass the legislation required to authorize the representation desired by the European inhabitants of Swaziland.

In conclusion, I wish to thank you for the very frank summary of your proposals. I have been equally candid in reply as I am convinced that only by a free expression of the views and wishes of each Government can difficulties be overcome and an agreement reached which will be acceptable to all parties, and give mutual satisfaction to both Governments.

Yours sincerely,
ATHLONE.

Enclosure 3 in No. 67.

MY DEAR GENERAL, King's House, Durban, 20th July, 1926.

I AM following your example in sending you in advance this draft reply to your proposals for the transfer of the Government of Swaziland to the Union. I would propose to speak to you about it in Pretoria on the 29th instant, when I will hand you the original copy signed. I should be only too happy to consider any modifications in the text which you may care to suggest.

I have not had time to consult the Secretary of State, but the enclosed Memorandum is based on the policy which has been pursued by His Majesty's Government ever since Union, and which was confirmed by Mr. Amery's despatch of 4th December, 1925,* a copy of which I handed to you at the beginning of this year. A similar attitude in regard to the Schedule was taken up by His Majesty's Government when applications for transfer were made by Generals Botha and Smuts.

I should have liked to have met you on the question of modifying the terms of appointment of the Commission and restricting the application of the Schedule to Native areas, but His Majesty's Government has been so emphatic on this point and we are so explicitly pledged to maintain it that I did not feel able to assume responsibility for holding out any hopes in this direction. In March, 1925, when the Dominions Office learned for the first time that tentative negotiations might shortly be opened between us I was requested, as a preliminary instruction, that the use of "any language which might be interpreted as implying willingness on the part of His Majesty's Government to make any modification of the Schedule is likely to prove embarrassing." I thought I would mention this in case you decide to discuss the question with Amery in London. A powerful percentage of the House of Commons is likely to accuse a Government proposing to modify the Schedule of bad faith. They will protest that the South Africa Act was passed as an "agreed measure," and will take the view that any proposal to modify its terms could not be pressed beyond an informal suggestion, without placing His Majesty's Government

* No. 50.

in an embarrassing position. Members of Parliament holding this view are certain to receive powerful support from Aboriginal Societies, Mission Societies, International Socialists and advocates of universal brotherhood, and many other Bodies. Their cry will be a charge of bad faith, and as an experienced politician and a Prime Minister I leave you to judge how full of potential embarrassment to His Majesty's Government any request from the Union Government would be which contemplated alteration in the terms of the Schedule or aimed at restricting the scope of its application.

We can talk all this over when we meet, but I feel sure you will understand and appreciate the difficulties confronting His Majesty's Government.

Yours sincerely,
ATHLONE.

General
The Honourable J. B. M. Hertzog, M.L.A.

P.S.—I know you will excuse a type-written letter as I am on the eve of departure and my letter is rather a lengthy one.

D. 9120

No. 68.

SOUTH AFRICA.

THE HIGH COMMISSIONER to the SECRETARY OF STATE.

(Received 24th August, 1926.)

[*Answered by No.* 69.]

(Secret.)

SIR, Government House, Pretoria, 30th July, 1926.

IN continuation of my despatch, Secret, of 30th July,* I have the honour to report that on Thursday, 29th July, the Prime Minister called upon me to discuss my letter to him of 14th July† on the subject of the transfer of Swaziland to the Union.

He began by reading some notes by the Law Advisers on my reply to the "summary of proposals" submitted in paragraph 11 of his letter-memorandum of 24th April.‡ He admitted the difficulty of drawing a hard and fast line between the questions that concern Europeans and those which implicate natives, referred to in my reply to Section (i) (b)—see page 14 of my letter of 14th July†—and suggested that we could no doubt reach an understanding on this question. He intimated his readiness to place revenue from licences (sub-section (ii)) to the credit of the natives, and in regard to sub-section (iii) explained that after the Provincial Council Native Poll Tax had been declared *ultra vires* legislation had been introduced prohibiting Provincial Councils from levying any tax upon the persons or property of natives. At this juncture I intervened and suggested that consideration of these details should be postponed until we had settled the fundamental principles involved. I asked him if he would be good enough to send me a copy of the notes compiled by the Minister of Finance and the Law Advisers in order that I might study them at leisure, and he agreed that we should at this interview confine ourselves to considering questions which it would be advisable to decide before we discussed details—however important they might be.

He agreed, and I commenced by asking him if he was prepared to confirm the understanding I had reached and to which I made reference on page 1 of my letter of 14th July, namely, that he would not make any "official" application for the Territory or take any overt action in Parliament until his four Native Bills had been dealt with and his new Native policy had become law. I explained that we must know his Native policy before we could tell the Swazis what effect transfer would have on their future. He gave me this assurance quite readily. It is a point to which I attach the greatest importance, and one which I suggest should be remembered when discussing the matter with General Hertzog in London.

* No. 67. † Enclosure 2 in No. 67. ‡ Enclosure 1 in No. 67.

Around the question of the Schedule a lengthy argument took place. I reminded the Prime Minister that I had warned him, from the very first moment we discussed Swaziland, that His Majesty's Government was obliged to insist on transfer being made, if at all, under the Schedule. The Schedule, I explained, was passed with the South Africa Act as an agreed Measure. The reversionary rights of the Union to the Territories were recognized on the distinct understanding that the conditions laid down in the Schedule would be observed. It was a gentlemen's agreement, which should not be subjected to political pressure, and if the Schedule went the Union's reversionary interests went with it. I repeated that I saw no reason why the Schedule form of government should not work in Swaziland as it did in South West Africa.

The General replied that he was thinking more of the settlers than of his own feelings in the matter, and that personally he would be prepared to accept the Schedule for the whole of the Territory, but he doubted whether any Government could secure parliamentary representation for a Territory of Swaziland's size if it would have to be administered as a kind of separate province. He felt that even if transfer were effected on these lines *now* it would only be a matter of a few years before the White inhabitants and Parliament would force the hand of the Union Government and insist on amending the Schedule as provided by Section 25 of that instrument in order to secure more intimate relationship with the Union. He repeated that he was doubtful whether he could obtain parliamentary representation under such an arrangement, and to this concession the White inhabitants attached the greatest importance. He added that he did not think I was correct in saying that the settlers were opposed to the incorporation of Swaziland in the Transvaal Province. He added, apparently as a "feeler," that they did object to incorporation in the Natal Province.

I replied that when the Deputation saw me in January, 1925, and again when I visited Swaziland last year, the Council stated very clearly that they did not wish to be under the Provincial Council of the Transvaal; not, I thought, from any hostility to that Province or its Council but principally in order to evade provincial taxation! I told the Prime Minister that since writing my letter of 14th July I had read the Minutes of a very recent meeting of the Advisory Council in which Mr. Pierce endeavoured to modify this expression of opinion. In his own account of what took place at the meeting with the Prime Minister in January, 1925, Mr. Pierce refers to their "very strong desire to have their entity preserved in some form which would be a matter for examination and discussion later, and to have separate representation in Parliament." Obviously there was to be some form of entity *in addition to* separate representation, and I for one could not see how it could be anything but territorial in nature, and Mr. Pierce adds, on page 32 of the June, 1926, Minutes,* that the question was left open "*with a view to possible exclusion*," and states further that "this desire in the opinion of the Council undoubtedly exists with the majority of the European inhabitants of Swaziland." Personally, I am satisfied that the article in the *Rand Daily Mail* of 20th April, stating that the settlers stipulated that "Swaziland shall not come under the Provincial Council" (see page 32 of Minutes), represents a point of view expressed far more explicitly to me by the Council on more than one occasion. However, the point, though material, is not of vital importance now, and I pointed out to General Hertzog that in point of fact the Europeans did not want Union for Union's sake; all they wanted was money for development, and if they could get it from the Imperial Government they would prefer to remain under His Majesty's Government. This is borne out quite clearly in the Minutes of the meeting I had with the Council last August—see my despatch, Confidential, of 10th August, 1925.† I also drew the Prime Minister's attention to page 45 of the recent Minutes where Mr. Miller says "Mr. Pierce has accurately indicated our attitude when he says we do not ask for incorporation; what we ask for is means to develop Swaziland." See also Resident Commissioner's despatch Confidential, No. 240 of 6th July.‡ This attitude, I explained to the Prime Minister, made me attach more importance to railway development as a condition of transfer than any question of coming under a Provincial Council or obtaining representation in the Union Parliament. As far as amalgamation with the Province of Natal was concerned, I told the Prime Minister that it was an eventuality

* D. 9092/26: not printed. † 39802/25: not printed. ‡ D. 9100/26: not printed.

which the Advisory Council had never brought to my notice, and I was not aware that they had ever discussed it. I am quite satisfied in my own mind that they did not express any objection to the Natal Province as a possible destiny for Swaziland. Personally, I should much prefer to see the Territory go into Natal, since Durban is its natural harbour rather than the foreign one of Lourenço Marques, and that is the direction from which railway communication is advancing. Apart from the annual influx of sheep belonging to the Boer farmers on its western border and a line of telephone communication, there appears to be no economic association with the Transvaal.

I concluded from our remarks on the question of the Schedule that the Prime Minister could be induced to accept it if pressed sufficiently. He also appreciates the difficulty His Majesty's Government would have to obtain the consent of the House of Commons on any other terms. This in fact is the argument which appeals to him most, and he responds well to the contention that we have definite promises to fulfil. But I feel sure that if he accepted government under the Schedule in the first instance, far from endeavouring to make the settlers contented with it, he would console himself in the belief that before long they would demand its amendment as provided in Section 25, and he realizes that the protection afforded by the Bill being a "reserved" measure is singularly ineffective in practice.

We next discussed the composition of the Commission, and the Prime Minister said he would be prepared to notify the names of the Commissioners before Resolutions were moved in both Houses for the transfer of the government. He also intimated his readiness to appoint non-political men to these posts, but assumes there would be no objection to his utilizing the services of a man like Loram who, although a member of the Union Native Affairs Commission, was not a member of Parliament. I replied that all His Majesty's Government required was that the Commissioners should not be members of Parliament, that they should be granted the protection afforded them under the Schedule in the matter of tenure of office, and that His Majesty's Government should be informed of the names of the Commissioners and Secretary before any definite overt steps were taken to apply for transfer.

The interview, which was very cordial throughout, left all our important demands conceded or, in the case of the Schedule, virtually conceded. It is important that we should maintain these advantages because transfer under these conditions will give us the respite we need to discover the trend Union policy is likely to take in the next few critical years, particularly in regard to Native legislation.

In discussing the matter with the General in London I think it is most important to insist upon these three main points, viz.:—

1. No official request for transfer till new Native policy passes through both Houses.
2. Transfer under the Schedule.
3. Maintenance of non-political character of the Commission.

Whatever happens to the Schedule in years to come need not concern us now. We have taken all possible precautions and, fragile as it may be, we must rely on the power to reserve any Measure amending the Schedule. The main consideration is to secure a gradual process of transfer and to retain some control over the Territory (if only through that unpractical instrument, the Schedule) during the next few critical years when, amongst other things, the future of the Union native may be decided.

I have, &c.,
ATHLONE,
High Commissioner.

D. 9120

No. 69.

SOUTH AFRICA.

THE SECRETARY OF STATE to THE HIGH COMMISSIONER.

(Secret.)

MY LORD, Downing Street, 30th August, 1926.

I HAVE the honour to acknowledge the receipt of your two Secret despatches of the 30th of July* regarding the question of the transfer of the administration of Swaziland to the Government of the Union of South Africa.

* Nos. 67 and 68.

2. I have read these despatches with much interest, and desire to thank you for the trouble which you have taken in this matter.

3. I observe that the Prime Minister of the Union proposes to take up the question with me when he comes to London for the Imperial Conference, and I shall be greatly assisted in my discussion with him by the full and comprehensive discussions which you have yourself had with General Hertzog.

I have, &c.,
L. S. AMERY.

D. 10476

No. 70.

SOUTH AFRICA.

THE HIGH COMMISSIONER to the SECRETARY OF STATE.

(Received 4th October, 1926.)

(Secret.)

SIR, High Commissioner's Office, Cape Town, 14th September, 1926.

WITH reference to my Secret despatch of the 30th July,* I have the honour to forward herewith a copy of a further letter from the Prime Minister of the Union on the subject of the transfer of the Swaziland Administration to the Union.

2. You will observe that, subject to certain expressions of doubt as to the advisability of applying the provisions of the Schedule to the South Africa Act to areas outside the native reserves, General Hertzog is prepared—

(*a*) to accept as a *pis aller* the application of the Schedule to the whole of Swaziland,

(*b*) to exclude Members of Parliament from the Commission to be appointed under the Schedule,

(*c*) to communicate to His Majesty's Government the names of the first Resident Commissioner and of the members of the Commission to be appointed under the Schedule before any overt steps are taken to effect transfer,

(*d*) to give Swaziland Parliamentary representation as a separate Electorate.

3. The Prime Minister has already agreed that the question of the transfer of the Swaziland Administration will not be officially raised until the Native Legislation of the Union has passed both Houses of Parliament. I consider this a most important stipulation and am adverse to discussions being carried too far until the native policy of the Union has been decided. If we become too involved we may experience some difficulty in withdrawing from the negotiations should it ever become expedient to do so.

4. I have always regarded the provisions of the Schedule as unsuitable in many respects for the government of a territory which contains a fairly large number of white inhabitants whose interests do not necessarily coincide with those of the native population, and I consider that its financial provisions are unpractical when reviewed in the light of present demands for the development of the territory on European lines. The tone of General Hertzog's letter leaves no doubt in my mind that the Prime Minister does not intend to apply the Schedule system to European areas a moment longer than may be necessary to impart a show of sincerity to the hope expressed in paragraph eleven of his letter that it may, upon trial, "prove a satisfactory instrument for the government of Swaziland."

5. We may ultimately have to consider whether it is worth while insisting upon a condition which sooner or later is bound to be circumvented, if not openly repudiated, and which must, incidentally, weaken the already enfeebled restraint provided by the reservation of certain Bills for Royal assent. Alternatively we might refuse transfer; but I am strenuously opposed to any suggestion or promise that would imply a willingness to modify the terms of transfer as prescribed by the Schedule (should such a course ever appear necessary) until it is evident that the moment to act is immediately at hand which, at the earliest, would not be before the native policy of the Union Government has been decided.

I have, &c.,
ATHLONE,
High Commissioner.

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* No. 67.

Enclosure in No. 70.

Prime Minister's Office, Pretoria,
13th August, 1926.

DEAR LORD ATHLONE,

I HAVE to thank you for your letter of the 14th July* and for your very full observations conveyed therein on the draft scheme for the transfer of Swaziland to the Union, forwarded with my letter to you of the 24th April.†

2. The fundamental difference of view which is apparent from a perusal of these documents is that, while His Majesty's Government in London might find it difficult to countenance any other scheme than that under which the whole of Swaziland would be governed in accordance with the Schedule to the South Africa Act, the Union Government are strongly of opinion that the best interests of the Territory would be served if transfer were effected under conditions which would restrict the application of the Schedule to the areas reserved or to be reserved for the sole and exclusive occupation of natives, and in the rest of the Territory to matters in which natives solely are concerned, leaving European interests to be governed in accordance with the system existing in the Union.

3. While appreciating the difficulties and obligations of the British Government in this matter and the arguments put forward in your letter of the 14th July,* I cannot but feel that the universal application of the Schedule would result in the Territory being deprived of many undoubted advantages which would accrue to it under the dual system contemplated by the Union Government.

4. With the Schedule system universally applied, Swaziland would probably be unable to obtain the advantage of Parliamentary representation, since the Union Parliament would hardly be prepared to open its doors to a representative of a territory for which, as a Parliament, it could not make laws. Nor, of course, could the Territory have any part in the advantages which would be secured by the extension to it of Provincial Council services.

5. Furthermore, under the Schedule system of government, with the strict appropriation of the Territory's revenue to its own expenditure contemplated by Sections 13 and 19 of the Schedule, and the practical separation of the interests of the Union from those of the Territory, it is to be feared that the Union Parliament would not be prepared to appropriate to the Territory financial benefits to the extent which would be forthcoming, or devote to it the attention which it would attract, if the interests of the Union and of the Territory were more closely identified.

6. It is confidently expected that, in any case, upon transfer of the Territory the Union Parliament would be able to satisfy the demands of its European inhabitants for railway development, although of course no guarantee could be given as to the advice which would be conveyed to Parliament by the Railway Board, which would be required in terms of Section 113 of the South Africa Act to report upon any such proposal; but it will be realized that the prospects of money being voted for such a project would be considerably improved if the interests of the Union and the Territory were in closer association than would be the case under the Schedule system.

7. As regards Your Excellency's observation upon paragraph IV of the summarized portion of my letter of the 24th April,† I may remark that the suggestion made by me that the revenue derived in Swaziland from Provincial Council taxation might, if the European inhabitants desire, be spent upon services in the Territory, was not intended to indicate that the expenditure would not be allowed to exceed the revenue. The Territory would have to take its chances in this respect with the other parts of the area served by the Provincial Council, as it would with the Union proper in respect of non-provincial services; but, as I have before indicated, those chances would probably be considerably improved with the closer association of interests between the Union and the Territory.

8. In view of these considerations it is not difficult to realize that dissatisfaction with the Schedule system of government might not be long in making itself felt amongst the European inhabitants of the Territory, and that insistent demands, which it would be difficult to repel, might be made upon the Union Government for an extension of Parliamentary representation and of the financial and other benefits which might be anticipated were the Union system applied. There is no doubt in my mind but that in that case legislation will be demanded to alter the provisions of the Schedule system so as to provide for the inauguration of a dual system of government along the lines contemplated in my proposals of the 24th April.†

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* Enclosure 2 in No. 67. † Enclosure 1 in No. 67.

9. Representatives of the European inhabitants of the Territory have already forcibly impressed upon me their desire to be more closely identified in interest with the Union than the Schedule as it stands would allow, and the only distinct reservation they have made is that Swaziland for electoral purposes shall not be merged with any electoral area of the Transvaal. This desire would be met under my proposals. The Territory, notwithstanding that its quota of voters would be below that required by the South Africa Act, would elect its own members of the House of Assembly and of the Provincial Council of the Transvaal, but would nevertheless in all respects maintain its territorial integrity.

10. As regards Your Excellency's remarks upon sub-section 1 (*b*) of the summarized portion of my letter of the 24th April (which proposes to restrict the application of the Schedule in the non-native areas to matters in which natives solely are concerned) may I say—

(*a*) that since under the presently existing law the customs legislation of the Union is operative in Swaziland, the position would not, under my proposals, be different to what it would be under the Schedule; and

(*b*) that under my proposals natives in the non-native areas would not, as natives, be subjected to Provincial Council Ordinances, and that in any case Provincial Councils are, in terms of Section 3 (2) of Act No. 5 of 1921, precluded from imposing direct taxation upon the persons, lands, habitations or incomes of natives.

11. If, notwithstanding these considerations, the British Government should find it impossible to recommend the transfer of the Government of the Territory under conditions involving an alteration or amendment of the Schedule or a restriction of its area of application, the Union Government would be prepared to accept the government of the Territory subject to the terms of Section 151 of the Schedule (South Africa Act?), in the hope that it may prove a satisfactory instrument for the government of Swaziland and for the promotion of its interests, though I cannot help expressing the fear that the considerations which have been mentioned by me will, at no great lapse of time, render necessary a recourse to legislation.

12. The Union Government will be prepared to agree that the members of the Commission under the Schedule shall not be members of Parliament. Nor would it have any objection to the communication to the British Government of the names of the persons whom it might wish to appoint as Resident Commissioner and as Chairman and Members of the first Commission under the Schedule, before any overt step is taken.

13. As regards the adjustment of financial questions and the earmarking of customs and other revenues as between the Union and the Territory, I have no doubt that mutually satisfactory arrangements could be brought into operation. Nor would there be any difficulty about earmarking for the benefit of the natives the revenue received from trading licences granted to Europeans trading in the native areas, a system which Your Excellency observes, in a remark upon paragraph (11) of the summarized proposals in my letter of the 24th April,* is in operation in Southern Rhodesia. It will be observed that Section 19 of the Schedule contemplates the appropriation of a certain proportion of the revenue of the Territory towards the cost of defence and other services performed by the Union for the benefit of the whole of South Africa.

14. The extent to which the system of administration to which the natives are accustomed would be changed in consequence of the transfer of the Territory to the Union, a matter to which reference was made in paragraph 6 of the Secretary of State's despatch of the 4th December, 1925,† would of course depend upon the terms of transfer. That question would not directly be affected by the native legislation of the Union Parliament which would in this respect do no more than indicate generally the policy of the Union in respect of natives and native areas at present within the Union.

Yours sincerely,
J. B. M. HERTZOG.

His Excellency
The Right Honourable the Earl of Athlone,
G.C.B., G.C.M.G., G.V.O., D.S.O.,
&c., &c., &c.

* Enclosure 1 in No. 67. † No. 50.

D. 11020

No. 71.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 18th October, 1926.)

(Confidential.)
(Extract.)

SIR, High Commissioner's Office, Cape Town, 1st October, 1926.

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8. Briefly the Council demanded financial assistance from His Majesty's Government for development, especially railway development, or transfer to the Union on the distinct understanding that the Schedule should not be applied to European areas. I reminded them of my previous warning against fostering hopes that the provisions of the Schedule would be modified or that the European portion of the Territory would be excluded from its scope. This statement provoked a vehement denunciation of the Schedule as an obsolete instrument quite unsuited to the requirements of Swaziland and incompatible with the privilege of parliamentary representation which it was proposed they should enjoy.

9. In conclusion the Council asked permission to transmit through me for the information of General Hertzog in London a concise statement of their views on the question of transfer. As it was obviously impossible to refuse such a request I granted it without hesitation.

10. The Council desire to secure the extension of the Pongola Railway after it reaches the border and they are anxious that the construction of the line into Swaziland should proceed without interruption. They apprehend that if there is any break in the work or if the staff are removed from the scene of operations a long delay is certain to ensue before they will obtain the railway facilities for which they so ardently yearn. As I was aware of this I took occasion in my Address to explain that because the railway is being built right up to the border it does not follow that the Union Government contemplates an early or immediate extension of the line to Komatipoort. They had in fact expressed the opinion that the volume of traffic in Swaziland was unlikely to prove remunerative for some time to come. I also informed them that the Imperial Government has offered the Government of the Union every facility for railway construction in Swaziland regardless of the ultimate destiny of the Territory (see your despatch of the 4th December, 1925*).

11. I have suggested to members of the Council unofficially that it is open to doubt whether, after communication to the border has been established, a further extension inland would be the best method of meeting their transport requirements. I explained that it would cost a quarter of a million pounds to extend the railway another forty miles and I asked them to consider whether it would not be better, for the time being at any rate, to build good roads and inaugurate an efficient system of motor transport between various districts and the points where railway communication approached Swaziland borders. I made this suggestion because I believe that, in the event of His Majesty's Government deciding not to hand the territory over to the Union in the immediate future, a measure of transport development will have to be undertaken by the Imperial Authorities, but I do not consider that it should take the form of extending the Pongola railway into Swaziland. As already mentioned, only forty miles of this line would cost us about a quarter of a million pounds and although the total distance from Durban to a point forty miles inside Swaziland would be in the vicinity of three hundred miles we would only secure the traffic returns over the mileage within our boundaries, while freights in respect of Swaziland traffic over the remaining and much longer section would all go to the Union.

12. I have always held that the ultimate destiny of Swaziland is within the Union and nothing brings this more vividly before one's notice than the question of railway development referred to above. I am personally of opinion that it will be many years before the Union Government could expect any such railway it might construct into Swaziland to pay interest and I am somewhat puzzled to understand why they are so keen to get control of the Territory. But although I am satisfied

* No. 50.

that economically the administration could with advantage be entrusted to the Union at some future date I am just as convinced as ever that the present is not an appropriate moment to consider transfer.

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I have, &c.,
ATHLONE,
High Commissioner.

D. 11274

No. 72.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 25th October, 1926.)

(No. 480.)

SIR, High Commissioner's Office, Cape Town, 8th October, 1926.

WITH reference to my despatch No. 479 of to-day* respecting my recent meeting with the European Advisory Council in Swaziland, I have the honour to enclose herewith a copy of a further despatch from the Resident Commissioner forwarding a copy of a memorandum stating the terms which the members of the Council consider would be acceptable to the European inhabitants of Swaziland in the event of the administration of the Territory being transferred to the Union of South Africa.

2. This memorandum is presumably the statement which the Council requested permission to submit for the information of General Hertzog—see page 40 of the Minutes enclosed with my despatch under reference.

I have, &c.,
ATHLONE,
High Commissioner.

Enclosure in No. 72.

(Swaziland.)
(No. 356.)

Resident Commissioner's Office, Mbabane, Swaziland.
4th October, 1926.

MY LORD,

WITH reference to page 40 of the record of the proceedings at the Meeting of Your Excellency with the Members of the European Advisory Council on 25th September, I have the honour to submit a copy of a letter from the Honorary Secretary of the Council enclosing a memorandum which sets forth the terms and conditions which the Advisory Council recommends in the event of the incorporation of Swaziland in the Union of South Africa.

I have, &c.,
B. NICHOLSON,
for Resident Commissioner.

Major General His Excellency,
The Right Honourable,
The Earl of Athlone, G.C.B., G.C.M.G., G.C.V.O., D.S.O., A.D.C.,
High Commissioner for South Africa.

Mbabane, Swaziland.
2nd October, 1926.

SIR,

I HAVE the honour to enclose herewith the memorandum which sets forth the terms and conditions which the Advisory Council recommends should be guaranteed and embodied in any final agreement concluded between His Majesty's Government and the Government of the Union of South Africa in the event of the incorporation of Swaziland in that Dominion.

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* D.11273/26: not printed.

In deference to His Excellency the High Commissioner's attitude in regard to future representation on this question by the Council, I am to state that the Council has deferred further discussion on the subject until the completion of the Prime Minister of the Union's visit to London.

I have, &c.,
A. MILLIN,
Honorary Secretary, Swaziland Advisory Council.

The Government Secretary,
Swaziland.

MEMORANDUM FOR TRANSMISSION TO HIS EXCELLENCY THE HIGH COMMISSIONER FOR SWAZILAND, AND THROUGH HIS EXCELLENCY TO THE RIGHT HONOURABLE THE PRIME MINISTER FOR THE UNION OF SOUTH AFRICA.

ACTING on behalf of the European residents of the Territory, the Swaziland Advisory Council has the honour to re-affirm the following terms which, in the opinion of members, would prove acceptable to the white inhabitants of Swaziland in the event of the Territory's incorporation in the Union of South Africa. The Council urges that these terms be adequately guaranteed and, further, that they be embodied in any final agreement concluded on the subject between His Majesty's Government and the Government of the Union of South Africa:—

1. That Europeans and all land in Swaziland except Native areas which have already been proclaimed be released from the provisions of the Schedule to the South Africa Act.

Note:

At the date of drafting the Schedule the settlement of Swaziland was proceeding and was incomplete. Since 1914 when Native and European land rights were respectively and permanently separated, the development of European areas forming the major portion of the Territory has advanced beyond any estimate calculable in 1910.

Financial, industrial and agricultural conditions have entirely changed since 1910.

The democratic spirit of the European inhabitants of the Territory will never be satisfied with Government by Proclamation.

The financial provisions of the Schedule in so far as they affect Europeans are now unsuited to this country.

2. That a railway following as far as practicable a route beneficial to the country generally be constructed, construction to be coincident with incorporation and uninterrupted.

3. Parliamentary representation for the Territory with the territorial boundaries of Swaziland preserved as the electoral unit.

4. Provincial relationship to be decided after investigation and a study of the financial aspect.

5. That Europeans be accorded all privileges, advantages and benefits enjoyed by Europeans resident or owning property in the Union of South Africa and be subject to the laws of that Dominion.

6. The existing demarcation of European and Native areas in Swaziland be preserved.

Mbabane, Swaziland.
4th October, 1926.

D. 11543

No. 73.

SOUTH AFRICA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 2nd November, 1926.)

(Confidential.)
(Extract.)

SIR, High Commissioner's Office, Cape Town, 15th October, 1926.

WITH reference to my despatch Confidential of the 1st October* and to my

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* No. 71.

despatch No. 479 of the 8th October,* I have the honour to enclose herewith a copy of my reply to the Resident Commissioner containing certain observations on the Minutes of the Advisory Council which assembled at Mbabane on the occasion of my recent visit to Swaziland.

2. In the Memorandum forwarded with my despatch No. 480 of the 8th October† you will notice that the Advisory Council stipulates that transfer to the Union should be conditional upon railway development and that such development should take place simultaneously with the process of incorporation. This demand is also referred to again on page 19 of the Minutes and I understand that the Council wishes His Majesty's Government, if transfer is ever contemplated, to insist upon railway construction being actually commenced before the final negotiations are concluded. On this point they are somewhat anxious because they realize that once negotiations are completed they will no longer be able to bring the same influence to bear in order to secure the railway communications which they regard as an essential condition of any agreement to come into Union. Parliament may find some difficulty in authorizing railway construction in Swaziland while the Territory remains under another Government but if transfer depended upon it I have no doubt that the Union Government would devise some means of meeting the wishes of the settlers on this point.

3. Since the Council's Memorandum was drawn up the Railway Board has arrived in Swaziland and Mr. Honey reports unofficially that the Commissioners indicated in their speeches that the Union Railway system would not be extended into Swaziland so long as the Territory remained outside Union. I do not attach much importance to these statements, which are obviously made with a view to bringing pressure to bear on His Majesty's Government, and I should be inclined to support the Council's demand that railway extension into the Territory should commence before negotiations are concluded.

4. You will see from Mr. Pierce's remarks on page 20 of the Minutes that the Council does not wish to deprive the natives of the right to purchase land in the European areas. Proclamation No. 2 of 1915 forbids the purchase of land by natives without the consent of the High Commissioner, a condition which was imposed in order to protect the natives from exploitation by land dealers, but it is not difficult to see that the proclamation might be used by an unsympathetic Government to prevent natives from acquiring land. This and similar legislation may have to be carefully scrutinized and if necessary amended before any negotiations for transfer reach finality.

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I have, &c.,
ATHLONE,
High Commissioner.

Enclosure in No. 73.

(No. 1565.)

SIR, High Commissioner's Office, Cape Town, 15th October, 1926.

I HAVE the honour to acknowledge the receipt of your despatch No. 355 of the 4th October submitting a transcript of the Minutes of the meeting between myself and the Advisory Council at Mbabane on the 25th September.

2. Most of the questions raised by the Council were dealt with in my reply to Members but I notice from the Minutes that I promised to add some further remarks on the system of using money obtained from the sale of Crown lands for current expenditure. Members will realize that if the ordinary revenue of a territory is insufficient to meet the ordinary annual expenditure the balance required must be obtained from some other source. It may be provided by drawing upon the capital revenue of the territory, by raising a loan or by a grant-in-aid from Imperial Funds. Before the Bechuanaland Protectorate became self-supporting His Majesty's Government contributed from Imperial Funds an annual grant-in-aid sufficient to make good the deficit incurred during each financial year. It was not intended that this sum should be repaid and as a matter of fact it never was repaid. But at that time there was no suggestion that Bechuanaland would ever be transferred to another Government and the grant-in-aid was looked upon as a contribution towards the cost

* D.11273/20: not printed. † No. 72.

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of administration until certain territories within the British sphere in South Africa became self-supporting—a task which was being undertaken directly and in conjunction with the British South Africa Company. It is true that His Majesty's Government intended to entrust the administration of the Bechuanaland Protectorate, or at least portions of it, to the British South Africa Company, and the administration of Rhodesia had already been handed over temporarily to that Company. But it was also realized that in time to come the government of these Territories would have to be resumed by His Majesty's Government as in the case of Northern Rhodesia or, when the population was large enough, delegated under certain conditions to a locally constituted government, as has happened in Southern Rhodesia. But the Schedule to the South Africa Act altered the whole position in respect of Swaziland, Basutoland and the Bechuanaland Protectorate, inasmuch as it contemplated that His Majesty's Government might not necessarily be responsible for the future government of the High Commission Territories or for their financial obligations which in the course of time might have to be assumed by another Government.

3. The system of irrecoverable grants-in-aid would hardly be resorted to under such conditions and each Territory is expected to be responsible for all advances made for development or other purposes. Swaziland, for instance, has to accept as a charge against its revenue the interest and sinking fund on the Basutoland Loan and the interest on the £10,000 advanced by the Imperial Government for the Pongola Railway extension. It will be recognized that any excess of expenditure over revenue will have to be made good from some capital source and it is obviously immaterial whether the money is obtained through an outside loan, by interest charges on accumulated deficit or by drawing upon capital assets.

4. The Council will no doubt agree that the British taxpayer should not be called upon to advance loans for administrative purposes or for development while money can be obtained from the resources of the Territory. Members have more than once advocated raising a loan and I fail to see any distinction between supplementing the finances of the Territory from loan funds or from capital revenue. Swaziland is by no means unique in using capital resources to meet ordinary expenditure. South Africa has been developed on this principle and it might as well be argued that the Union Government should place to capital account all revenues received from the gold and diamond mines which constitute a steadily diminishing capital asset. There is indeed much to be said in favour of using such resources in preference to raising loans which may not always be obtainable on satisfactory terms. But it does not follow that Swaziland will be left entirely to its own resources either now or when capital revenue has ceased to be available. The Council is, of course, entitled to its opinion on this question and I do not think any useful purpose can be served by any further discussion of it.

5. Mr. Pierce does not appear to appreciate the effect that the future Native Policy of the Union might have upon the question of transfer. His Majesty's Government has promised that both European and Native inhabitants of the Territory will be consulted before transfer is effected and it would be unfair to assume that, in the event of a difference of opinion on the issue, the wishes of the natives must necessarily be disregarded or subordinated. The Secretary of State has assured the natives that the effects of any contemplated change will be carefully explained to them by the Resident Commissioner and it is obvious that this undertaking could be more satisfactorily discharged when the intentions of the Union Government are clearly defined.

6. I should be obliged if you would convey to the Council my appreciation of the courtesy they have always shown me and of the frank and able manner in which they have brought to my notice their views on the requirements of the Territory. I have already transmitted to the Secretary of State the Minutes of the Meeting I had with them and the Memorandum setting out the terms which, in their opinion, would prove acceptable to the white inhabitants of the Territory in the event of the administration being transferred to the Union.

I have, &c.,
ATHLONE,
High Commissioner.

His Honour
The Resident Commissioner of Swaziland.

D. 12125

No. 74.

HOUSE OF COMMONS.

18th November, 1926.

TATI CONCESSION.

CAPTAIN CAZALET asked the Secretary of State for the Colonies whether the question of the Tati Concession has been under the consideration of the Imperial Conference; and, if so, what steps is it proposed to take to carry out the wishes of the inhabitants of that district?

MR. ORMSBY GORE: The answer to the first part of the question is in the negative. As to the general position regarding the question which has been raised, concerning the possible transfer of the Tati district to Southern Rhodesia, it is not possible at present to add anything to the reply given to the hon. Member for Woolwich East (Mr. Snell) on the 15th June of last year.

CAPTAIN CAZALET: May I ask whether it is not time that a conclusion on this matter was arrived at?

MR. ORMSBY GORE: The shifting of territory from one Government to another is not a matter which can be decided off-hand in any way, and the Government of the Union of South Africa has to be heard on the matter, and various considerations have to be examined before this can possibly be decided.

Attached D. 2801/27

No. 75.

SOUTHERN RHODESIA.

MR. AMERY to SIR C. COGHLAN (PRIME MINISTER).

(Extract.)

Dominions Office, Downing Street, S.W.1, 24th December, 1926.

MY DEAR SIR CHARLES,

* * * * * * *

KNOWING your interest in the matter I took the opportunity of raising the question of the transfer of the Tati district to Southern Rhodesia with General Hertzog and he assured me, as I think he has already assured you, that he had no objection to the transfer at any time. The pressure of work in connexion with the Conference was, however, too great to make it possible for me to discuss all the implications of the matter with him in any detail. I hope, however, to be in South Africa for a short visit some time in the latter half of 1927, and then I can go thoroughly into this and other connected questions with him.

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Yours, &c.,
L. S. AMERY.

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